

**JOURNAL**  
**OF THE**  
**House of Representatives**  
**OF THE**  
**STATE OF ALABAMA**  
**FIRST EXTRAORDINARY**  
**SESSION OF 1996**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING MONDAY, JANUARY 8, 1996**



**Vol 1**

**WITH AN INDEX PREPARED BY THE**  
**CLERK OF THE HOUSE**

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HOUSE OF REPRESENTATIVES  
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**FIRST DAY**

**House of Representatives  
Montgomery, Alabama  
Monday, January 8, 1996**

Be it remembered that on the third day of January, 1996, His Excellency, Fob James, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

**STATE OF ALABAMA  
PROCLAMATION  
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Fob James, Jr. as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 12 o'clock noon on January 8, 1996 and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to propose an amendment to the Constitution of Alabama of 1901, to provide for punitive damages in civil actions and specific provisions governing punitive damages in the course of this state.

2. Legislation to amend Section 6-5-391 and 6-5-410, Code of Alabama, 1975, relating to wrongful death, to provide that compensatory damages may be recovered in civil actions for wrongful death.

3. Legislation to amend Section 6-5-100, Code of Alabama, 1975, relating to a right of action for fraud, to provide further for the right of action by requiring the element of reasonable reliance.

4. Legislation to provide for mandatory mediation prior to trial and at any time where requested by all parties, any party, or by order of the court.

5. Legislation to provide for the recovery of compensatory damages for emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers, of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action or to apply to actions of wrongful death.

6. Legislation to create a privilege known as the "Self-Analysis Privilege" which allows an organization to refuse disclosure of certain information.

7. Legislation to amend Section 6-3-21.1, Code of Alabama, 1975, relating to a change or transfer of venue in civil actions, to provide that in exercising its discretion to transfer an action or claim the trial court may give plaintiff's choice of forum a preponderance of weight greater than any other single factor considered alone, but shall not be required to give such choice great weight.

8. Legislation to amend Rule 47 of the Alabama Rules of Civil Procedure, relating to the selection of jurors and alternate jurors, and to provide further for the selection of jurors.

9. Legislation to amend Rule 51 of the Alabama Rules of Civil Procedure, relating to the instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

10. Legislation to provide further for offers of judgment prior to trial in the circuit courts of the state; to amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide that an offer or demand by one party to an adverse party to allow judgment to be taken against the offerer may be accepted within 10 days after service of the offer or demand or such or other period of time as the offer or demand may state; to provide that such an offer or demand, if not accepted within 10 days after service thereof (if the offer is silent as to the time for which it shall remain open), or within any period the offer may state, shall be deemed to have been rejected; to require payment of certain attorneys' fees and out-of-pocket expenses if last demand was greater than \$50,000 or less, and if the offer is found to have been unreasonably rejected, then upon motion of the opposing party, the trial court may order reimbursement of some or all attorney's fees and out-of-pocket expenses; to require an order on said motions; and to provide for an appeal.

11. Resolution calling for promulgation of a rule by the Supreme Court of Alabama.



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12. Legislation providing for revisions to Alabama's laws governing medical malpractice.

13. Legislation providing for revisions to Alabama's laws governing products liability.

14. Legislation to amend the Mini-Code (Sections 5-19-1, et seq. of the Code of Alabama, 1975).

15. Legislation concerning the liability of a principal for the conduct of an agent.

16. Other legislation to secure reforms in the civil justice system.

17. Local legislation which requires consideration by the legislature at this particular time.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State Capitol, in the City of Montgomery, on this the 3rd day of January, 1996.



FOB JAMES, JR.  
Governor

ATTEST:

JIM BENNETT  
Secretary of State

Pursuant to such proclamation, at the hour of 12 o'clock Noon on Monday, January 8, 1996, the Representatives in the Legislature of Alabama assembled in the Hall of the House of Representatives.

The House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

**PRAYER**

The session was opened with prayer by Rabbi Meir Rosenberg, the Knesseth Israel Congregation, Mountain Brook, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Pettus Randall, III, 8th Grade, Eastwood Middle School, Tuscaloosa, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**LEAVES OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Drake.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Hall (A).

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Hammett:

**H.R. 1. NOTIFY SENATE**

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

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On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Hammett:

**H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 2, was adopted.

**COMMITTEE APPOINTED**

The Speaker appointed as a committee on the part of the House, Representatives Haney, Flowers and Hooper.

Also:

By Representative Hammett:

**H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 2:30 p.m. on Monday, January 8, 1996, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the Alabama State House for the joint session.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 3, was adopted.

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**COMMITTEE APPOINTED**

The Speaker appointed as a committee on the part of the House, Representatives Maul, Morrison and Graham.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE  
Secretary

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 6:00 o'clock p.m. on Tuesday, January 9, 1996, and the motion was adopted.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrison:

H. 1. Relating to motor vehicle distinctive license tags; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to provide for a reduction in the fees for the distinctive tags or plates; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama or Scottish Rites Masons; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

**COMMITTEE ON WAYS AND MEANS**

By Representative Fuller:

H. 2. To make a conditional supplemental appropriation from the State General Fund to the Unified Judicial System (Administrative Office of Courts) in the sum of \$922,000 for the fiscal year ending September 30, 1996.

**COMMITTEE ON WAYS AND MEANS**

By Representative Fuller:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 4. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

COMMITTEE ON WAYS AND MEANS

By Representative Payne:

H. 5. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent.

COMMITTEE ON JUDICIARY

By Representatives Curry, Hill, Knight (A), Gaines, and Smith (With Notice and Proof):

H. 6. Relating to Shelby County; to provide for the assessment of additional court costs in the circuit court and district court of the county for the purpose of funding the county law library.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 6, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed (With Notice and Proof):

H. 7. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that

include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Ford, Galliher, and Page (With Notice and Proof):

H. 8. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 8, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McAdory:

H. 9. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

## COMMITTEE ON LOCAL LEGISLATION NO. 2

The above bill was read a first time at length as required by the Constitution.

By Representative Hawk:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 to limit the awarding of punitive damages in personal injury actions; and to allow a bifurcated trial on the issue of whether a defendant is liable for punitive damages.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Dolbare (With Notice and Proof):

H. 11. Relating to Washington County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 11, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare:

H. 12. To exempt the Clarke County Historical Society from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by the organization from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Crigler:

H. 13. To prohibit contracts for cellular telephone service providing for automatic renewal; and to allow customers the option to cancel or renew a cellular telephone service contract at its expiration without penalty.

COMMITTEE ON WAYS AND MEANS

By Representative White (With Notice and Proof):

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 14, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Warren and Jackson (With Notice and Proof):

H. 15. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 15, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Papucci (With Notice and Proof):

H. 16. Relating to Madison County; to exempt the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 16, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK



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By Representative Allen (With Notice and Proof):

H. 17. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 17, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen (With Notice and Proof):

H. 18. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Moundville in Hale County and Tuscaloosa County, annexing certain territory lying in Tuscaloosa County into the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen (With Notice and Proof):

H. 19. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due

and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

## COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen (With Notice and Proof):

H. 20. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

## COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 20, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representatives Guin and Hogan:

H. 21. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

The above bill was read a first time at length as required by the Constitution.

By Representatives Clark (J) and Baker (With Notice and Proof):

H. 22. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; and providing for disposition of funds from the additional fees.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 22, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Clark (J) and Baker (With Notice and Proof):

H. 23. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 23, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Clark (J) and Baker (With Notice and Proof):

H. 24. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 24, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hill, Dean, Galliher, and Morrison:

H. 25. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to provide for mediation, arbitration, or other alternative dispute resolutions, and to change the penalty for violation.

COMMITTEE ON BANKING

By Representative Hill:

H. 26. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Sports Festival, Inc., prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hill (With Notice and Proof):

H. 27. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 27, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill (With Notice and Proof):

H. 28. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

COMMITTEE ON LOCAL LEGISLATION NO. 7

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 28, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill (With Notice and Proof):

H. 29. To provide an annual supplemental salary for the Chief Magistrate of Shelby County.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 29, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill:

H. 30. To amend Section 35-11-210, Code of Alabama 1975, relating to mechanics' and materialmen's liens to include waste disposal services and equipment at construction sites within the statute.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representative Hill:

H. 31. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Wren, McClammy, Hooper, and Knight (J):

H. 32. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 33. Proposing an amendment to the Constitution of Alabama of 1901, to provide that public officials may participate in the Employees' Retirement System of Alabama in lieu of participating in a supernumerary program or system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Black (M) (With Notice and Proof):

H. 34. Relating to Colbert County; amending Section 1 of Act No. 92-383, H. 692 of the 1992 Regular Session (Acts 1992, p. 785), to further provide for the levy of an additional recording fee on documents filed for record with the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 34, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Black (M) (With Notice and Proof):

H. 35 Relating to Colbert County; providing for an additional penalty for the late payment of all tax accounts; and providing for the deposit of the proceeds by the tax collector for the operation of the office of the tax collector.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 35, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Flowers, Hooper, and Wren:

H. 36. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

COMMITTEE ON HEALTH

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By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 37. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 37, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 38. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Gipson, Hooper, and Flowers:

H. 39. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

COMMITTEE ON HEALTH

By Representative Graham (With Notice and Proof):

H. 40. Relating to Tallapoosa County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McMillan:

H. 41. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representative Papucci:

H. 42. To amend Section 17-4-252 of the Code of Alabama 1975, to provide further for furnishing certain voter lists to members of the Legislature.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Laird (With Notice and Proof):

H. 43. Relating to Randolph County; allocating certain funds to the Sheriff of Randolph County from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hooper:

H. 44. Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R) (With Notice and Proof):

H. 45. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

COMMITTEE ON LOCAL LEGISLATION NO. 1



I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 45, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Knight (A), Hooper, Flowers, and Wren:

H. 46. Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representatives Knight (A), Hooper, Flowers, and Wren:

H. 47. Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representatives Knight (A), Hooper, and Wren:

H. 48. Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representatives Carothers and Johnson (R):

H. 49. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R) (With Notice and Proof):

H. 50. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 50, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Layson (With Notice and Proof):

H. 51. Relating to Pickens County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 51, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Layson (With Notice and Proof):

H. 52. Relating to Pickens County; levying an additional fee for court costs in the Town of Gordo for law enforcement purposes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 52, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Curry:

H. 53. To amend Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

COMMITTEE ON WAYS AND MEANS

By Representatives Johnson (R), Carothers, and Morrow:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Hayden, Jackson, and Black (L) (With Notice and Proof):

H. 55. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 55, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird:

H. 56. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

COMMITTEE ON WAYS AND MEANS

By Representative Clouse:

H. 57. To amend Sections 1 and 2 of Act No. 95-771, 1995 Regular Session now appearing as Sections 36-34-1 and 36-34-2, Code of Alabama 1975; and to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Laird (With Notice and Proof):

H. 58. Relating to Randolph county; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity is entitled to the allowances payable by the state for feeding prisoners; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 58, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Pringle, Hill, Morrow, Page, Dean, Gaston, Crigler, Buskey, Kennedy, Turner, McMillan, Mitchell, Box, and Layson:

H. 59. To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

COMMITTEE ON NAVIGATION AND  
WATERWAYS

By Representative Newton (D) (With Notice and Proof):

H. 60. Relating to any Class I municipality; providing that the city council of any Class I municipality may establish the salary, benefits, and expense allowances of all elected officials of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D):

H. 61. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes within the city in Jefferson County except that portion of the city which lies South of the Birmingham Water Works on U. S. Highway 280 or outside of the boundaries of Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

The above bill was read a first time at length as required by the Constitution.

By Representative Hill (With Notice and Proof):

H. 62. Relating to the City of Alabaster in Shelby County; to amend Section 5 of Act No. 93-493, H. 742 of the 1993 Regular Session (Acts 1993, p. 789), relating to the Personnel Director of the City of Alabaster; to provide that the personnel director would be appointed by the personnel board.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 62, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Perdue:

H. 63. To amend Sections 40-2-40 and 40-2-41 of the Code of Alabama 1975, to provide further for the title and qualifications of the chief executive officer of the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 64. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Laird:

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Box:

H. 66. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

COMMITTEE ON BUSINESS AND LABOR

By Representative Curry:

H. 67. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund and the Correctional Industries Revolving Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee and Mitchell:

H. 68. To amend Section 8-19-12, Code of Alabama 1975, the Deceptive Trade Practices Act, to provide for enhanced criminal penalties upon subsequent violations of the act.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Hawkins and Mitchell:

H. 69. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

COMMITTEE ON BUSINESS AND LABOR

By Representative Lindsey:

H. 70. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

COMMITTEE ON AGRICULTURE, FORESTRY  
AND NATURAL RESOURCES

By Representative Lindsey:

H. 71. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (A):

H. 72. To grant extensions of exemptions to certain nursing home facilities pursuant to the Ten Percent Act and to define substantial progress.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representative Parker (T):

H. 73. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Flowers, Wren, Hammett, Baker, Carter, Hooper, Hawkins, Johnson (R), Sanderson, Clark (J), McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Hinshaw, Jackson, and Hogan:

H. 74. Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Wren, Galliher, Flowers, Baker, Carter, Clark (J), Hammett, Hooper, Hawkins, Johnson (R), Sanderson, McMillan, Morrison, Guin, Turner, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 75. To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Carothers, Flowers, Clark (J), Hammett, Baker, Carter, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Seibenhener, Sims, Crigler, Graham, Houston, Burke, Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 76. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; to eliminate liability for certain errors in judgment; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Box, Curry, Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Guin, Turner, Galliher, Carns, Dean, Gipson, Gaston, Venable, Willis, Gaines, Turnham, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Murphree, McDaniel, Morton, Newton (C), McKee, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Seibenhener, Sims, Burke, Crigler, Graham, Houston, Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:



**1st Day**

H. 77. Relating to wrongful death actions, to amend Sections 6-5-391 and 6-5-410, Code of Alabama 1975, to provide for the recovery of compensatory damages in wrongful death cases and limitation on the amount of punitive damages.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Fuller, Flowers, Clark (J), Hammett, Baker, Carter, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Guin, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 78. Relating to change or transfer of venue in civil actions; to amend Section 6-3-21.1, Code of Alabama 1975, to provide that the trial court may not give any greater weight to the choice of forum of the plaintiff than any other factor.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Hammett, Clark (J), Flowers, Baker, Carter, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 79. Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to further provide for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-18, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives McDaniel, Hawkins, Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Guin, Hinshaw, Jackson, and Hogan:

H. 80. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Johnson (R), Box, Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Hawkins, Sanderson, Wren, McMillan, Morrison, Guin, Turner, Galliher, Carns, Dean, Gipson, Gaston, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 81. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Johnson (R), Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Hawkins, Sanderson, Wren, McMillan, Morrison, Guin, Turner, Galliher, Carns, Dean, Gipson, Gaston, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 82. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Box, Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Houston, Sims, Burke, Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 83. Relating to summary judgments; to amend Rule 56 of the Alabama Rules of Civil Procedure to change the time for serving a motion for summary judgment and hearing of the motion; to further provide for the ruling on the motion; to provide for factual findings on the denial of the motion; and to provide for an appeal process.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Johnson (R), Carns, Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Hawkins, Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 84. To create a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Guin, Hooper, Clark (J), Flowers, Baker, Carter, Hammett, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Sanderford, Hamilton, Robinson, Lindsey, Jackson, and Hogan:

H. 85. To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in judgments accepted prior to trial.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Gaines, Laird, Clark (J), Flowers, Baker, Carter, Hammett, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), McKee, Johnson (E), Townsend, Hill, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 86. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives McDaniel, Clark (J), Flowers, Baker, Hammett, Carter, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Jackson, and Hogan:

H. 87. To amend Sections 6-6-1 and 8-1-41, Code of Alabama 1975, relating to arbitration, to make agreements to arbitrate future controversies enforceable.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Venable, Guin, Hooper, Flowers, Baker, Carter, Clark (J), Hammett, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 88. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Gaines, Hooper, Clark (J), Flowers, Baker, Carter, Hammett, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Seibenhener, Houston, Sims, Burke, Sanderford, Hamilton, Robinson, Lindsey, Hinshaw, Jackson, and Hogan:

H. 89. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hammett, Hooper, Clark (J), Flowers, Baker, Carter, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Moore, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Sims, Burke, Thomas (D), Sanderford, Hamilton, Robinson, Thomas (J), Lindsey, Hinshaw, Jackson, and Hogan:

H. 90. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions so as to provide for legislative findings; to amend and to provide further for definitions; to amend, clarify and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to non-consumer credit transactions; to amend and provide further for fees and charges which may be charged by a creditor; to provide that the copy of the instruments furnished to the debtor need not be copies which are signed by the debtor; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g); to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to amend and clarify Section 5-19-11 relating to the affidavit to be filed by a creditor before bringing an action and remedies of a debtor; to provide that the notice required by federal law related to

home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to provide that unconscionability is determined at the time a consumer credit contract is made, that unconscionability is available only as a defense to the enforcement of a consumer credit contract, that a creditor is entitled to restitution of the fair value of performance for a contract later declared void in whole or in part due to unconscionability and that an agreement, or part of an agreement, consistent with a statute, regulation or attorney general's opinion or administrative interpretation is not unconscionable; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for requiring the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the Administrator a civil penalty equal to three times the amount of the investigation fee and the annual license fee for each year or portion thereof the creditor is in violation of the licensing requirement but not to exceed a civil penalty in the amount of one hundred thousand dollars (\$100,000); to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to provide that a creditor or assignee of a consumer credit contract has no liability for failing to comply with any requirement of Chapter 19, Title 5 if, after discovering the failure and before receiving written notice from the debtor, the creditor corrects the failure prior to the debtor bringing a cause of action against the creditor or giving the creditor written notice of the failure; to provide that a creditor is not liable for, and is not subject to a cause of action based upon, oral statements which contradict provisions of written documents signed by the debtor; to provide that a creditor is not liable under Chapter 19, Title 5 for incidental, consequential or punitive damages because of a violation of Chapter 19, Title 5; to provide that the remedies provided in Chapter 19, Title 5 for violations of Chapter 19, Title 5 are limited to those provided in Chapter 19, Title 5; to provide that the relationship between a creditor and debtor is not a confidential or fiduciary relationship; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance and non-filing insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the Administrator; to amend and provide further for the Administrator's authority to make rules and regulations and the Administrator's and Supervisor's authority to issue written interpretations of the provisions of Chapter 19, Title 5, to provide the standards to be applied by courts in determining the application and effect of

regulations and interpretations; to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the Administrator, Supervisor or other state or federal agency or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama must obtain a license for each office in Alabama, and that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5; to increase the annual license fee; to provide for the confidentiality of reports of examination and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the non-applicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide the Administrator the power to assess civil monetary penalties against a creditor for violating Title 5, Chapter 19; to provide for resolution of disputes through negotiation, mediation and arbitration; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for any purpose; to provide for the effect of certain provisions of this act including the retroactive application of the amendments to Sections 5-19-17 (except subsection (d)), 5-19-19, 5-19-20 (except subsection (c)), 5-19-22 (except subsection (h)) and 5-19-31; to provide for severability of the provisions of this act; and to provide for an effective date.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Hooper, McMillan, Carter, Flowers, Baker, Clark (J), Hammett, Hawkins, Johnson (R), Sanderson, Wren, Morrison, Turner, Galliher, Carns, Dean, Gipson, Gaston, Box, Venable, Willis, Gaines, Turnham, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, Clouse, Murphree, McDaniel, Morton, Newton (C), Minnifield, McKee, Johnson (E), Townsend, Hill, Laird, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Houston, Sims, Burke, Sanderford, Moore, Hamilton, Lindsey, Hinshaw, Jackson, and Hogan:

H. 91. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to impose limits on the award of punitive damages in civil actions.

#### COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Sanderson:

H. 92. To provide for limitation of liability of property owners for injuries resulting from recreational activities occurring on their real property.

#### COMMITTEE ON STATE ADMINISTRATION

By Representative Knight (J):

H. 93. To designate U. S. Highway 80 from Selma to Montgomery and Alabama Highway 14 from Selma to Montgomery the "International Voting Rights Trail; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

COMMITTEE ON LOCAL GOVERNMENT

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hooper, Knight (J), McKee, Wren, McClammy, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis:

H.J.R. 4. MOURNING THE DEATH OF MR. ADOLPH WEIL, JR., OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 4, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Smith, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:



H.J.R. 5. COMMENDING ROBERT THOMAS JANNEY ON OBTAINING THE RANK OF EAGLE SCOUT.

The resolution, H.J.R. 5, was read and referred to the Standing Committee on Rules.

Also:

By Representative Johnson (R):

H.J.R. 6. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW DRUGS AND BIOLOGICS.

The resolution, H.J.R. 6, was read and referred to the Standing Committee on Rules.

Also:

By Representative Kennedy:

H.J.R. 7. MOURNING THE DEATH OF SISTER MARY L. MURPHY.

The resolution, H.J.R. 7, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Kennedy:

H.R. 8. MOURNING THE DEATH OF SISTER MARY L. MURPHY.

Also:

The following resolutions were introduced:

By Representative McKee:

H.J.R. 9. URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

The resolution, H.J.R. 9, was read and referred to the Standing Committee on Rules.

Also:

By Representative McMillan:

H.J.R. 10. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

The resolution, H.J.R. 10, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate to notify the Governor, Senators Davidson, Mitchem, and Smith.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

### COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Haney, Flowers and Hooper.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

**S.J.R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 2:30 P.M. on January 8, 1996, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate to escort the Governor, Senators Mitchell, Amari, and Hale.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

**COMMITTEE APPOINTED**

The Speaker appointed as a committee on the part of the House, Representatives Maull, Morrison and Graham.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Special Session in 1996, be bound with the Regular Session or any Special Sessions in 1996.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 3, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

The following resolutions were introduced:

By Representatives Thomas (D) and Galliher:

H.J.R. 11. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

The resolution, H.J.R. 11, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 12. URGING THE COMMISSIONER OF INSURANCE TO WAIVE CONTINUING EDUCATION UNIT REQUIREMENTS FOR RETIRED AGENTS FOR RENEWALS.

The resolution, H.J.R. 12, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 13. COMMENDING JERRY BROWN--A NINTH GENERATION FOLK POTTER.

**FIRST EXTRAORDINARY SESSION  
1st Day**

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The resolution, H.J.R. 13, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 14. COMMENDING MARGARET ISOM, AND HER LATE HUSBAND, L. B. ISOM, AND VARIOUS OTHER INDIVIDUALS AND BUSINESSES FOR DONATING LAND TO THE STATE OF ALABAMA, AND DECLARING LEGISLATIVE EXPECTATIONS REGARDING THE PRESERVATION OF THE LAND.

The resolution, H.J.R. 14, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clouse:

H.J.R. 15. CONGRATULATING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM ON ITS STATE CHAMPIONSHIP.

The resolution, H.J.R. 15, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clouse:

H.J.R. 16. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

The resolution, H.J.R. 16, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 17. MOURNING THE DEATH OF WALTER L. STINSON, OF FLORALA, ALABAMA.

**RECESS**

On motion of Representative Hammett, the House recessed until 2:20 o'clock p.m.

**JOINT SESSION**

Pursuant to the resolution, H.J.R. 3, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Fob James, Governor of the State of Alabama, appeared before the joint session and delivered the following message:

Mr. Speaker, Governor Siegelman, distinguished senators and representatives, ladies and gentlemen, it is good to have you back a little early. I trust you have enjoyed the holidays and the holiday spirit remains with you. I wish you every success in this new year.

I have called the session so that the scales of justice can be balanced on the question of reform of the civil justice system.

It is a complex issue. During the past six months, my legal counsel, Bill Gray, and special counsel, Champ Lyons, have worked with individuals and groups keenly interested in tort reform. We have researched what other states have done on the issue. We have measured the impact of federal law and U. S. court decisions on the subject, and we have studied the history of tort law in Alabama. Explain

I have worked closely with Speaker Clark and Governor Siegelman in producing a package of reform legislation that continues to be worked on at this hour. I deeply appreciate their leadership in this process. Here are the main elements.

1) The reform act will be incorporated into a constitutional amendment that after 1/20/2003 will leave the Alabama Legislature with "absolute and final authority" to statutorily address the issue as they see fit. Explain

2a) The reform act caps punitive damages for wantonness and aggravated wantonness. Explain

2b) It does not cap willful acts done with an intent to injure or damage citizens of Alabama.

- 3) Venue - Explain
- 4) Jury Selection - Explain
- 5) Bifurcated trial and written instructions to the jury - Explain

My only desire is to see the civil justice system reformed fairly and to eliminate even a perception of lawsuit abuse while protecting the rights of our citizens to achieve remedy in courts for injuries done to them, and to ensure that plaintiffs and defendants alike be guaranteed a fair trial. We do not need legal "speed traps" for business in Alabama.

In light of our research on this issue, I will tell you that what I have proposed may well be improved upon. It is in this spirit that I will work with you day and night to strike common ground. The right way to do this is to get each point of non-concurrence on the table, in plain language and work together to resolve each point.

In my work with the Speaker, I believe we are near agreement on a majority of the bills in the package. In my work with the Lt. Governor, I believe we are near agreement on a constitutional amendment to ensure constitutionality of the package and a three tier cap on punitive damages. I submit, ladies and gentlemen, this is a good start, and I am indeed grateful to the leadership in the House and Senate.

Due to the complexities of legal technicalities and "lawyers' language", I urge you to shape this special session as a workshop or work session where we methodically, with cool heads, point by point, solve the tort reform problem once and for all. To this end, I pledge to you my total effort and that of my Administration.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

## RESOLUTIONS

The following resolutions were introduced:

By Representative Guin:

H.J.R. 18. DESIGNATING SENATE BILL 248 OF THE 1995 REGULAR SESSION "THE ROGER BEDFORD CANCER REGISTRY ACT."

The resolution, H.J.R. 18, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 19. COMMENDING DEAN PARHAM H. WILLIAMS, JR., FOR OUTSTANDING SERVICE AS VICE PRESIDENT AND DEAN OF CUMBERLAND SCHOOL OF LAW, SAMFORD UNIVERSITY.

The resolution, H.J.R. 19, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 20. CONGRATULATING THE CORDOVA BLUE DEVILS ON THEIR STATE 3-A FOOTBALL CHAMPIONSHIP.

The resolution, H.J.R. 20, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Guin and Hogan:

H.J.R. 21. MOURNING THE DEATH OF ALICE KAY WILSON OF JASPER, ALABAMA.

The resolution, H.J.R. 21, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (A):

H.J.R. 22. URGING SHPDA TO GRANT EXTENSIONS OF EXEMPTIONS TO CERTAIN NURSING HOME FACILITIES.

The resolution, H.J.R. 22, was read and referred to the Standing Committee on Rules.

### **ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 6:00 o'clock p.m., Tuesday, January 9, 1996.



**SECOND DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, January 9, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Jerome V. Harris, Brown Chapel African Methodist Episcopal Church, Selma, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Porter Banister, Public Information Officer, House of Representatives.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

### **REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with.

### **LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

### **H. 73 REREFERRED**

No objection being offered, the Speaker rereferred the bill, H. 73, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 6.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to notify the Governor, Senators Davidson, Mitchem, and Smith.

McDOWELL LEE  
Secretary

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Wednesday, January 10, 1996, and the motion was adopted.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to escort the Governor, Senators Mitchell, Amari, and Hale.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Figures:

S.J.R. 4. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses of the Legislature adjourn today, Monday, January 8, 1996, they adjourn to meet again on Tuesday, January 9, 1996, and when they adjourn on Tuesday, January 9, 1996, they adjourn to meet again on Wednesday, January 10, 1996, and when they adjourn on Wednesday, January 10, 1996, they adjourn to meet again on Tuesday, January 16, 1996.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 4, set out in the foregoing Message from the Senate.

**RESOLUTION**

The following resolution was introduced:

By Representatives Venable, Dean, Clark (J), Flowers, Turnham, Baker, Hammett, Carter, Hooper, Hawkins, Johnson (R), Sanderson, Wren, McMillan, Morrison, Turner, Galliher, Carns, Gipson, Gaston, Box, Willis, Gaines, Curry, Dukes, Parker (T), Pringle, Knight (A), Carothers, Smith, Vance, Fuller, Haney, Papucci, Spratt, McDaniel, Murphree, Clouse, Morton, Newton (C), Minnifield, Laird, McKee, Johnson (E), Townsend, Hill, Maull, Layson, Collins, Jorgensen, Allen, Crigler, Graham, Seibenhener, Houston, Burke, Sims, Thomas (D), Sanderford, Hamilton, Robinson, Lindsey, Hinshaw and Hogan:

H.J.R. 23. RECOMMENDING AND URGING THE ALABAMA SUPREME COURT TO AMEND THE CANONS OF JUDICIAL ETHICS TO PROVIDE FURTHER FOR THE RECUSAL AND DISQUALIFICATION OF JUDGES.

The resolution, H.J.R. 23, was read and referred to the Standing Committee on Rules.

**BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1. (With Substitute): Relating to motor vehicle distinctive license tags; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to provide for a reduction in the fees for the distinctive tags or plates; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama or Scottish Rites Masons; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

H. 2. (With Substitute): To make a conditional supplemental appropriation from the State General Fund to the Unified Judicial System (Administrative Office of Courts) in the sum of \$922,000 for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

H. 4. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

H. 12. To exempt the Clarke County Historical Society from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by the organization from any state, county, and local ad valorem taxes.

H. 13. To prohibit contracts for cellular telephone service providing for automatic renewal; and to allow customers the option to cancel or renew a cellular telephone service contract at its expiration without penalty.

H. 26. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Sports Festival, Inc., prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

H. 31. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

H. 32. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

H. 41. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 44. (With Amendment): Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 49. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

H. 53. To amend Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

H. 57. To amend Sections 1 and 2 of Act No. 95-771, 1995 Regular Session now appearing as Sections 36-34-1 and 36-34-2, Code of Alabama 1975; and to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 67. (With Amendment): To make a supplemental appropriation from the Department of Corrections Special Revenue Fund and the Correctional Industries Revolving Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 71. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

H. 56. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 79. (With Amendments): Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to further provide for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-18, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 90. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions so as to provide for legislative findings; to amend and to provide further for definitions; to amend, clarify and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to non-consumer credit transactions; to amend and provide further for fees and charges which may be charged by a creditor; to provide that the copy of the instruments furnished to the debtor need not be copies which are signed by the debtor; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g); to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to amend and clarify Section 5-19-11 relating to the affidavit to be filed by a creditor before bringing an action and

remedies of a debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to provide that unconscionability is determined at the time a consumer credit contract is made, that unconscionability is available only as a defense to the enforcement of a consumer credit contract, that a creditor is entitled to restitution of the fair value of performance for a contract later declared void in whole or in part due to unconscionability and that an agreement, or part of an agreement, consistent with a statute, regulation or attorney general's opinion or administrative interpretation is not unconscionable; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for requiring the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the Administrator a civil penalty equal to three times the amount of the investigation fee and the annual license fee for each year or portion thereof the creditor is in violation of the licensing requirement but not to exceed a civil penalty in the amount of one hundred thousand dollars (\$100,000); to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to provide that a creditor or assignee of a consumer credit contract has no liability for failing to comply with any requirement of Chapter 19, Title 5 if, after discovering the failure and before receiving written notice from the debtor, the creditor corrects the failure prior to the debtor bringing a cause of action against the creditor or giving the creditor written notice of the failure; to provide that a creditor is not liable for, and is not subject to a cause of action based upon, oral statements which contradict provisions of written documents signed by the debtor; to provide that a creditor is not liable under Chapter 19, Title 5 for incidental, consequential or punitive damages because of a violation of Chapter 19, Title 5; to provide that the remedies provided in Chapter 19, Title 5 for violations of Chapter 19, Title 5 are limited to those provided in Chapter 19, Title 5; to provide that the relationship between a creditor and debtor is not a confidential or fiduciary relationship; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance and non-filing insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the Administrator; to amend and provide further for the Administrator's authority to make rules and regulations and the Administrator's and Supervisor's authority to issue written interpretations of the provisions of Chapter 19, Title 5, to provide the



standards to be applied by courts in determining the application and effect of regulations and interpretations; to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the Administrator, Supervisor or other state or federal agency or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama must obtain a license for each office in Alabama, and that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5; to increase the annual license fee; to provide for the confidentiality of reports of examination and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the non-applicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide the Administrator the power to assess civil monetary penalties against a creditor for violating Title 5, Chapter 19; to provide for resolution of disputes through negotiation, mediation and arbitration; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for any purpose; to provide for the effect of certain provisions of this act including the retroactive application of the amendments to Sections 5-19-17 (except subsection (d)), 5-19-19, 5-19-20 (except subsection (c)), 5-19-22 (except subsection (h)) and 5-19-31; to provide for severability of the provisions of this act; and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 91. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to impose limits on the award of punitive damages in civil actions.

The above bill was read a second time at length as required by the Constitution.

H. 74. (With Substitute): Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 78. Relating to change or transfer of venue in civil actions; to amend Section 6-3-21.1, Code of Alabama 1975, to provide that the trial court may not give any greater weight to the choice of forum of the plaintiff than any other factor.

H. 88. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 80. (With Substitute): Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 87. (With Substitute) (With Amendments): To amend Sections 6-6-1 and 8-1-41, Code of Alabama 1975, relating to arbitration, to make agreements to arbitrate future controversies enforceable.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 86. (With Substitute): Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

H. 89. (With Substitute): Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 76. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; to eliminate liability for certain errors in judgment; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

H. 81. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

H. 82. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

H. 84. To create a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 85. (With Substitute): To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in judgments accepted prior to trial.

H. 77. (With Substitute): Relating to wrongful death actions, to amend Sections 6-5-391 and 6-5-410, Code of Alabama 1975, to provide for the recovery of compensatory damages in wrongful death cases and limitation on the amount of punitive damages.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 83. (With Amendment): Relating to summary judgments; to amend Rule 56 of the Alabama Rules of Civil Procedure to change the time for serving a motion for summary judgment and hearing of the motion; to further provide for the ruling on the motion; to provide for factual findings on the denial of the motion; and to provide for an appeal process.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 92. To provide for limitation of liability of property owners for injuries resulting from recreational activities occurring on their real property.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 75. (With Substitute): To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 66. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

H. 68. To amend Section 8-19-12, Code of Alabama 1975, the Deceptive Trade Practices Act, to provide for enhanced criminal penalties upon subsequent violations of the act.

H. 69. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 25. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to provide for mediation, arbitration, or other alternative dispute resolutions, and to change the penalty for violation.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 70. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 30. To amend Section 35-11-210, Code of Alabama 1975, relating to mechanics' and materialmen's liens to include waste disposal services and equipment at construction sites within the statute.

H. 72. To grant extensions of exemptions to certain nursing home facilities pursuant to the Ten Percent Act and to define substantial progress.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 46. (With Substitute): Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

H. 47. (With Substitute): Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

H. 48. (With Substitute): Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 59. To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 7. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 8. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

H. 11. Relating to Washington County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

H. 15. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

H. 21. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

The above bill was read a second time at length as required by the Constitution.

H. 22. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; and providing for disposition of funds from the additional fees.

H. 23. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

H. 24. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

H. 37. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

H. 38. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

H. 40. Relating to Tallapoosa County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

H. 43. Relating to Randolph County; allocating certain funds to the Sheriff of Randolph County from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

H. 45. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 50. (With Substitute): To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 51. Relating to Pickens County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

H. 52. Relating to Pickens County; levying an additional fee for court costs in the Town of Gordo for law enforcement purposes.

H. 55. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

H. 58. Relating to Randolph county; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity is entitled to the allowances payable by the state for feeding prisoners; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.



H. 64. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

The above bill was read a second time at length as required by the Constitution.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 19. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for

each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

H. 20. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 6. Relating to Shelby County; to provide for the assessment of additional court costs in the circuit court and district court of the county for the purpose of funding the county law library.

H. 27. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

H. 28. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

H. 29. To provide an annual supplemental salary for the Chief Magistrate of Shelby County.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Laird:

H. 94. To propose an amendment to the Constitution of Alabama of 1901, relating to Chambers County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Chambers County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

### COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Black (L), Jackson, and Hayden (With Notice and Proof):

H. 95. Relating to Marengo County; authorizing the county commission to collect taxes, licenses and other fees and/or revenues currently being collected by the State Department of Revenue.

### COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 95, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Boyd:

H. 96. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

### COMMITTEE ON EDUCATION

By Representative Holmes (With Notice and Proof):

H. 97. Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 97, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Holmes (With Notice and Proof):

H. 98. Relating to Montgomery County; amending Section 3.05 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, p. 879), as amended, to further provide for the salary of the members of the Montgomery City Council.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 98, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Holmes:

H. 99. To phase-out the current supernumerary program for county officials.

COMMITTEE ON WAYS AND MEANS

By Representative Boyd:

H. 100. To create the Alabama Board of Barber Examiners; to regulate and license barbers and barber colleges and schools; to provide for membership, duties, and powers thereof; and to provide for prohibited acts and penalties.

COMMITTEE ON HEALTH

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By Representatives Rogers (J), Houston, and Hilliard (With Notice and Proof):

H. 101. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

**COMMITTEE ON LOCAL LEGISLATION NO. 2**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McClammy (With Notice and Proof):

H. 102. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

**COMMITTEE ON LOCAL LEGISLATION NO. 5**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**LEAVES OF ABSENCE**

At the request of Representative Millican, leave of absence was granted for Representative Drake.

Also:

At the request of Representative Millican, leave of absence was granted for Representative Black (M).

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns Wednesday, January 10, 1996, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, January 16, 1996, and the motion was adopted.

**RESOLUTION**

The following resolution was introduced:

By Representatives Fuller, Hammett and Box:

**H.J.R. 24. CREATING AN INTERIM JOINT LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.**

The resolution, H.J.R. 24, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

**H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

Also:

**H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.**

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**RESOLUTION**

The following resolution was introduced:

By Representatives Holmes and Morrison:

H.J.R. 25. URGING THE DEPARTMENT OF HUMAN RESOURCES TO REFRAIN FROM USING ANSWERING MACHINES ON TELEPHONE CALLS PLACED TO THE DEPARTMENT BETWEEN THE HOURS OF 8 A.M. AND 5 P.M. ON A REGULAR BUSINESS DAY.

The resolution, H.J.R. 25, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Ghee and Butler:

S.J.R. 8. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON COMPUTER ACCESS TO THE ALABAMA LEGISLATURE.

WHEREAS, computer on-line services such as the Internet are a rapidly growing informational outlet for the exchange of information; and

WHEREAS, these types of computer access services offer a unique opportunity for the citizens of this state to observe and participate in the legislative process through computer access; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study all the aspects of the feasibility and advisability of making the State Legislature accessible to computer users through the Internet. The committee shall be composed of three members of the House of Representatives and three members of the Senate appointed by the respective presiding officer, and one designee of the State Finance Department. The committee shall elect a chair and vice chair at its first meeting and thereafter shall meet on the call of the chair.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work.

For each day he or she attends a meeting of the committee, each legislative member shall be entitled to his or her regular legislative compensation, per diem, and travel expenses which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. All other members shall receive the same travel and per diem expenses that are paid to state officers and employees. The total expenditures of the committee shall not exceed \$5,000.

The committee shall report its findings and conclusions, which shall include a demonstration project and recommendations, to the Legislature at the first opportunity or no later than the 20th legislative day of the 1996 Regular Session, at which time the committee shall be dissolved and discharged of any duties and liabilities.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 8, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 5. RECOGNIZING THE 1996 TENNESSEE RIVER FIDDLER'S CONVENTION.

Also:

By Senators Windom and Myers:

S.J.R. 6. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."



Also:

By Senators Waggoner and Biddle:

S.J.R. 7. MOURNING THE DEATH AND COMMEMORATING THE LIFE OF CHARLES A. BOSWELL OF BIRMINGHAM, ALABAMA.

Also:

By Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 11. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW DRUGS AND BIOLOGICS.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 11, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

The following resolutions were introduced:

By Representative Johnson (R):

H.J.R. 26. COMMENDING MARGARET MORTON OF SYLACAUGA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 26, was read and referred to the Standing Committee on Rules.

Also:

By Representative Johnson (R):

H.J.R. 27. CONGRATULATING DR. JOSEPH MORTON AS SYLACAUGA SUPERINTENDENT OF EDUCATION, AND UPON HIS OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE SYLACAUGA COMMUNITY.

The resolution, H.J.R. 27, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carns:

H.J.R. 28. URGING THE UNIVERSITY OF ALABAMA AT TUSCALOOSA AND THE UNIVERSITY OF ALABAMA AT BIRMINGHAM NOT TO SHOW "SHOWGIRLS."

The resolution, H.J.R. 28, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 29. HONORING THE REVEREND W. D. LEWIS ON HIS DISTINGUISHED MINISTRY AS PASTOR OF LITTLE ZION BAPTIST CHURCH AND BEULAH BAPTIST CHURCH.

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The resolution, H.J.R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Representative Boyd:

H.J.R. 30. TO AMEND HJR 400, ACT 95-475, OF THE 1995 REGULAR SESSION TO STUDY FUTURE USES FOR FORT MCCLELLAN.

The resolution, H.J.R. 30, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 31. MOURNING THE DEATH OF CHARLES EDGAR HARPER OF POWDER SPRINGS, GEORGIA.

The resolution, H.J.R. 31, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 32. COMMENDING THE ALPHA TAU OMEGA FRATERNITY OF THE UNIVERSITY OF MONTEVALLO, MONTEVALLO, ALABAMA, FOR OUTSTANDING SERVICE TO THE COVINGTON COUNTY COMMUNITY AND TO OTHERS.

Also:

By Representative Houston:

H.R. 33. CONGRATULATING LEROY HENDERSON, SR., ON THE OCCASION OF HIS RETIREMENT.

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 9:00 o'clock a.m., Wednesday, January 10, 1996.

**THIRD DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, January 10, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Thomas E. Jackson, Associate Pastor of the Church of God and Christ, Thomasville, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Adam Clemons, Freshman, Auburn University, Auburn, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 23. RECOMMENDING AND URGING THE ALABAMA SUPREME COURT TO AMEND THE CANONS OF JUDICIAL ETHICS TO PROVIDE FURTHER FOR THE RECUSAL AND DISQUALIFICATION OF JUDGES.

WHEREAS, the Legislature of Alabama finds that an independent and honorable judiciary is indispensable to justice in this state and to the promotion of public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, this mandates the avoidance of any appearance of impropriety in the judiciary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby recommend and urge the Supreme Court of Alabama to amend the Canons of Judicial Ethics to include the following:

(1) A judge may voluntarily decide to recuse himself or herself from any case at any point in time. Moreover, a party may file a motion for recusal of a judge. A motion for recusal shall be filed within 60 days from the date of service of the summons and complaint, except upon motion for good cause shown related to newly discovered evidence that with the exercise of due diligence could not reasonably have been discovered within the 60 days after the service of the

summons and complaint. The trial judge shall rule on the motion within 20 calendar days from the date the motion is filed, or the motion shall be deemed denied. The party seeking recusal shall file a petition with the Supreme Court within 10 days from the date of the order or the date the motion is deemed denied. The Alabama Supreme Court shall establish a procedure for the timely and efficient resolution of motions filed pursuant to this Resolution.

(2) A judge shall be disqualified in a proceeding in which his or her impartiality might reasonably be questioned, including but not limited to consideration of the following factors:

a. The judge has a personal bias or prejudice for or against a party, a party's family member, or a party's lawyer or law firm.

b. The judge has a relationship with a party or witness, including but not limited to the following:

1. Relationships with witnesses.

2. Blood relationships within the third degree.

3. Business relationships, including but not limited to prior business relationship within the last six years.

4. Marriage relationships within the second degree.

5. Sureties or others who may be a real party in interest in the outcome or who may be liable to pay all or part of any judgment which may be rendered in the case in question.

c. The judge has personal knowledge of disputed evidentiary facts concerning the proceeding.

d. The judge, while an attorney, or any of his or her former partners or associates represented any party in the matter in controversy.

e. The judge or any of his or her former partners or associates is or has been a material witness in the matter in controversy.

f. Any other reason supported by the evidence which may raise in the minds of a reasonable person a concern for the appearance of impropriety.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama Supreme Court.

**H.J.R. 23 TEMPORARILY CARRIED OVER**

On motion of Representative Venable, the resolution, H.J.R. 23, was temporarily carried over.

**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 34. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 3rd legislative day, Wednesday, January 10, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until said bills are disposed of. Upon conclusion of this resolution, uncontested local legislation shall be immediately considered.

And the following bills:

H. 90 - By Hammett 11

Banking laws, mini-code, substantially revised, Secs. 5-19-1, 5-19-3 to 5-19-26, inclusive, 5-19-29 to 5-19-31, inclusive, am'd., Secs. 5-19-32, 5-19-33 added

H. 79 - By Hammett 10

Insurance, agents regulated for fraud, dishonest, wrongful acts or omissions, Secs. 27-8-16, 27-8-18, 27-8-19, 27-8-20 am'd.

H. 91 - By Hooper 13

Punitive damages, imposition and award of, limited, const. amend.

H. 74 - By Flowers (As Substituted) 14

Fraud, definition alt., Secs. 6-2-3, 6-5-100 am'd.

H. 76 - By Carothers 18

Medical Liability Act, actions against health care providers, limited, Secs. 6-5-548, 6-5-549 am'd.

H. 75 - By Wren (As Substituted)	23
Juries, selection alt., Rule 47 am'd.	
H. 89 - By Gaines (As Substituted)	17
Civil actions, product liability, limitations of action,	
H. 85 - By Guin (As Substituted)	21
Offers of judgment, award of attorney's fees and out-of-pocket expenses prior to trial, Rule 68 am'd.	
H. 86 - By Gaines (As Substituted)	17
Damages for emotional distress or mental anguish in civil actions, alt.	
H. 88 - By Venable	15
Juries, written copy of jury instructions included in court's charge	
H. 78 - By Fuller	14
Venue, civil actions, choice of forum of plaintiff, Sec. 6-3-21.1 am'd.	
H. 77 - By Box (As Substituted)	21
Wrongful death, compensatory damages, recovery, punitive damages limited	
H. 80 - By McDaniel (As Substituted)	16
Mediation, mandatory prior to trial under cert. conditions, sanctions	
H. 82 - By Johnson (R)	19
Statute of limitations for sheriffs, coroners, constables, and other public officers, 10-year statute to apply only to actions brought by st., Sec. 6-2-33 am'd.	
H. 81 - By Johnson (R)	19
Statue of Limitations, prisoners sentenced to less than life, extension deleted, Sec. 6-2-8 am'd.	



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H. 84 - By Johnson (R)

20

Compliance audits, violations disclosed, privileged communications

H. 83 - By Box (As Amended)

22

Summary judgments, time for serving motion and hearing of motion alt., ruling on motion and factual findings on the motion's denial, appeal process provided, Rule 56 of Ala. Rules of Civil Procedure am'd.

H. 92 - By Sanderson

22

Civil procedure, property owners, recreational activities, liability limit

H.J.R. 23 -

Recusal and disqualification of judges

On motion of Representative Carter, the resolution, H.R. 34, was adopted.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 90. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions so as to provide for legislative findings; to amend and to provide further for definitions; to amend, clarify and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to non-consumer credit transactions; to amend and provide further for fees and charges which may be charged by a creditor; to provide that the copy of the instruments furnished to the debtor need not be copies which are signed by the debtor; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g); to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to amend and clarify Section 5-19-11 relating to the affidavit to be filed by a creditor before bringing an action and

remedies of a debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to provide that unconscionability is determined at the time a consumer credit contract is made, that unconscionability is available only as a defense to the enforcement of a consumer credit contract, that a creditor is entitled to restitution of the fair value of performance for a contract later declared void in whole or in part due to unconscionability and that an agreement, or part of an agreement, consistent with a statute, regulation or attorney general's opinion or administrative interpretation is not unconscionable; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for requiring the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the Administrator a civil penalty equal to three times the amount of the investigation fee and the annual license fee for each year or portion thereof the creditor is in violation of the licensing requirement but not to exceed a civil penalty in the amount of one hundred thousand dollars (\$100,000); to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to provide that a creditor or assignee of a consumer credit contract has no liability for failing to comply with any requirement of Chapter 19, Title 5 if, after discovering the failure and before receiving written notice from the debtor, the creditor corrects the failure prior to the debtor bringing a cause of action against the creditor or giving the creditor written notice of the failure; to provide that a creditor is not liable for, and is not subject to a cause of action based upon, oral statements which contradict provisions of written documents signed by the debtor; to provide that a creditor is not liable under Chapter 19, Title 5 for incidental, consequential or punitive damages because of a violation of Chapter 19, Title 5; to provide that the remedies provided in Chapter 19, Title 5 for violations of Chapter 19, Title 5 are limited to those provided in Chapter 19, Title 5; to provide that the relationship between a creditor and debtor is not a confidential or fiduciary relationship; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance and non-filing insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the Administrator; to amend and provide further for the Administrator's authority to make rules and regulations and the Administrator's and Supervisor's authority to issue written interpretations of the provisions of Chapter 19, Title 5, to provide the

standards to be applied by courts in determining the application and effect of regulations and interpretations; to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the Administrator, Supervisor or other state or federal agency or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama must obtain a license for each office in Alabama, and that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5; to increase the annual license fee; to provide for the confidentiality of reports of examination and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the non-applicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide the Administrator the power to assess civil monetary penalties against a creditor for violating Title 5, Chapter 19; to provide for resolution of disputes through negotiation, mediation and arbitration; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for any purpose; to provide for the effect of certain provisions of this act including the retroactive application of the amendments to Sections 5-19-17 (except subsection (d)), 5-19-19, 5-19-20 (except subsection (c)), 5-19-22 (except subsection (h)) and 5-19-31; to provide for severability of the provisions of this act; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representatives Hall (L) and Mitchell intended to vote "Yea" on passage of the bill, H. 90.

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 90:

Representatives Clark (W), Dolbare, Drake, Ford, Guin, Hayden, Knight (J), McAdory, McClammy, Millican, Morrow, Parker (P), Penry, Perdue, Petelos, Reed and Warren.

And the bill:

H. 79. (With Amendments): Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to further provide for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-18, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 79 on Page 10, Line 8, after the number "(\$10,000)" by striking the following language: ~~plus punitive damages~~

Further amend H. 79, Page 10, Line 25, after the work "an" by striking the work ~~insurer~~ and inserting the following word: insured

**AMENDMENT ADOPTED**

And the amendment #1 was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 79 on Page 4, Section 1(a), Line 8, by striking the word ~~license~~ and inserting in lieu thereof licensee

#### **AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Rogers (M) offered the following amendment to the bill, H. 79, as amended:

On page 11, line 2, after the word "knowledge" insert the following language:  
, or reasonably should have had knowledge,

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment offered by Representative Rogers (M) to the bill, H. 79, as amended, was tabled.

Yeas 74; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Bandy, Black (M), Buskey, Crigler, Dolbare, Drake, Fuller, Gipson, Hall (L), Hilliard, Jackson, Knight (J), McClammy, Mitchell, Perdue, Petelos, Robinson and Rogers (M).

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Boyd inadvertently voted "Yea" and intended to vote "Nay" on the motion offered by Representative Hammett to table the amendment offered by Representative Rogers (M) to the bill, H. 79, as amended.

And the bill:

H. 79. Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to further provide for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-18, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Black (M) and Drake.

- 2

### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 79, as amended:

Representatives Clark (W), Hilliard, McAdory, Petelos and Reed.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 79. Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to further provide for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-18, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

TOMMY CARTER  
Chairman

And the bill, H. 79, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

And the bill:

H. 91. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to impose limits on the award of punitive damages in civil actions.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to provide for punitive damages in civil actions.



BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

### PROPOSED AMENDMENT

Section 1. Punitive damages may be awarded only in tort actions where it is proven by clear and convincing evidence that the defendant committed intentional or wanton misconduct which caused actual injury to the plaintiff. Nothing herein shall be construed to grant or create a right to an award of punitive damages in any amount, and the trier of fact or the court shall have the discretion to award no punitive damages. The principles set forth herein shall apply to all cases which have not been concluded by a final, non-appealable judgment.

Section 2. "Punitive damages," whether denominated, punitive, exemplary, vindictive, or otherwise, are damages awarded to punish a defendant by requiring the payment of money by the defendant, and to deter the defendant from committing the misconduct in the future. For the purpose of this amendment, "plaintiff" shall mean any person seeking to recover punitive damages and "defendant" shall mean any person from whom punitive damages are sought. "Intentional misconduct" means (A) a specific intent by the defendant to cause substantial injury to the plaintiff; or (B) an act or omission: (i) which, at the time of its occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential injury to others; and (ii) of which the defendant, having knowledge of the risk involved, nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. "Wanton misconduct" is the conscious doing of some act or omission of such duty under knowledge of existing conditions and conscious that from the doing of such act or omission of such duty, an injury will likely or probably result. Before a party can be said to be guilty of wanton misconduct, it must be shown that with reckless indifference to the consequences, he or she consciously and intentionally did some wrongful act or consciously omitted some known duty which produced the injury.

Section 3. In any case in which punitive damages are sought, the court, if requested by the defendant, shall, no later than 90 days prior to the trial, determine whether the plaintiff can demonstrate by clear and convincing evidence a genuine issue of fact that the defendant has engaged in intentional or wanton misconduct. The Legislature shall have the power consistent with this amendment to establish by statute other rules governing evidentiary and procedural aspects of the trial of tort cases in which punitive damages are sought.

Section 4. The court shall review the determination of the amount of punitive damages, if any, awarded by the trier of fact based on the court's experience in other similar cases of intentional or wanton misconduct, as the court deems appropriate after giving due notice and opportunity to be heard. No presumption of correctness shall apply as to the amount of punitive damages awarded by the trier of fact at any post-trial hearing or on any appeal. The court shall thereafter either approve, eliminate, or remit the amount of the punitive damages award.

Section 5. In an action in which a plaintiff seeks recovery of punitive damages, such damages that may be awarded shall not exceed an amount set out below:

(1) The range for awards of punitive damages may be from no award up to five percent of the defendant's net worth at the time of the misconduct, but in no event shall the award exceed \$500,000.

(2) In the event the defendant's net worth at the time of the misconduct was \$2,000,000 or less, the maximum amount of punitive damages shall be the lesser of (i) the amount determined in subdivision (1) above, or (ii) two times the compensatory damages awarded to the plaintiff.

(3) The ranges set forth in subdivisions (1) and (2) shall not apply to a cause of action against a defendant from whom a plaintiff seeks recovery of punitive damages based on misconduct that is proven in the civil case with clear and convincing evidence to constitute a felony as defined in the Alabama Criminal Code as of the time of the act or omission.

(4) In no event may the aggregate awards in all cases for punitive damages against a defendant for the same or substantially the same act, decision, omission, or course of conduct irrespective of the number of affected persons, exceed the applicable limit set forth herein.

(5) The punitive damages limits established in subdivisions (1) and (2) above are aggregate limits applicable to all defendants responsible for the intentional or wanton misconduct that forms the basis of a claim for punitive damages.

(6) The jury shall be informed by the trial court as to the ranges for punitive damages set forth herein. The purposes of the ranges is to allow distinctions, based on the experience of the triers of fact, between different kinds of intentional or wanton misconduct along a spectrum ranging from the less serious or harmful to that which is more egregious and harmful. Only the most egregious and harmful intentional or wanton misconduct warrants an award of punitive damages at the upper end of the permissible range.

Section 6. There shall not be an award of punitive damages in any of the following instances:

(1) Where the plaintiff has incurred no actual injury or is only entitled to nominal damages; or

(2) Where, prior to the plaintiff's filing of suit, the defendant placed, or offered to place, plaintiff in the position plaintiff would have been in but for the misconduct of the defendant; or

(3) Where the defendant, in good faith, acted in substantial compliance with any Alabama or federal law, regulations or standards thereunder, or interpretation of any such law or regulation by an appropriate court or governmental agency, relative to the alleged misconduct.

Section 7. A principal, employer, or master shall not be liable for punitive damages based upon acts or omissions of an agent, employee, or servant of said principal, employer, or master unless the principal, employer, or master authorized or ratified the wrongful conduct with actual knowledge of the wrongful conduct.

Section 8. In cases involving injury suffered by the plaintiff which under the criteria established herein would justify the imposition of punitive damages against more than one person (whether a natural person, corporation, or other entity), punitive damages shall be apportioned by the trier of fact based on the degree of culpability attributed to each person for the intentional misconduct, regardless of whether such person is a defendant in the case.

Section 9. In the case of multiple defendants, punitive damages, if any, shall be awarded according to each defendant's degree of culpability. This section shall not be construed to eliminate joint and several liability with regard to compensatory damages. Apportionment of punitive damages does not apply where the defendant is held liable under the theory of respondent superior. The trier of fact shall apportion punitive damages in a verdict form which shall be as follows:

"We, the jury, find in favor of the plaintiff and against one or more of the defendants in regard to plaintiff's claim for punitive damages and assess punitive damages in the amount of \_\_\_\_\_. Defendant A pays punitive damages in the amount of \_\_\_\_\_. Defendant B pays punitive damages in the amount of \_\_\_\_\_. " (The court shall add on the verdict form such other defendants as appropriate.)

Section 10. Punitive damages shall be awarded to the plaintiff, and the State shall have no right to such damages except in accordance with tax laws validly passed by the Legislature.

Section 11. Nothing in the provisions of this amendment shall be interpreted as repealing the provisions of Section 6-11-26 of the Code of Alabama 1975.

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state in a special election called on or before September 30, 1996.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901 to provide for punitive damages in civil actions.

Proposed by Act \_\_\_\_\_"

This description shall be followed by the following language:

"Yes ( ) No ( )."

### MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Minnifield, the rules were suspended for the Introduction of Resolutions.

### RESOLUTION

The following resolution was introduced:

By Representative Minnifield:

H.R. 35. URGING THE GOVERNOR TO IMMEDIATELY REMOVE THE CURRENT COMMISSIONER OF REVENUE.

The resolution, H.R. 35, was read and referred to the Standing Committee on Rules.

### H. 91 RESUMED

### SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, and the committee substitute was adopted.

FIRST EXTRAORDINARY SESSION  
3rd Day

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Yeas 78; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Hayden, Hilliard, Knight (J), McClammy, Minnifield and Perdue.

- 7

**AMENDMENT OFFERED**

Representative Perdue offered the following amendment to the bill, H. 91, as amended:

On page 4, line 7, delete the word "five" and insert in lieu thereof: fifteen

On page 4, line 9, delete the figure "\$500,000" and insert in lieu thereof: \$1,000,000

**AMENDMENT TABLED**

On motion of Representative Hooper, the amendment offered by Representative Perdue to the bill, H. 91, as amended, was tabled.

Yeas 71; Nays 20.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-71

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Drake, Hall (L), Hayden, Hilliard, Jackson, Johnson (E), Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (C), Reed and Spratt.

-20

### **AMENDMENT OFFERED**

Representative Parker (P) offered the following amendment to the bill, H. 91, as amended:

On page 5, after line 14, insert the following language:

(7) The punitive damages limits established in subdivisions (1) and (2) shall not be applicable when the defendant is a healthcare facility or a physician performing medical procedures pursuant to Chapter 21 of Title 26 of the Code of Alabama 1975, or similar medical procedures whether or not performed on a minor.

### **AMENDMENT TABLED**

On motion of Representative Hooper, the amendment offered by Representative Parker (P) to the bill, H. 91, as amended, was tabled.

Yeas 66; Nays 20.

FIRST EXTRAORDINARY SESSION  
3rd Day

91

Yea:

Mr. Speaker, Allen, Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-66

Nay:

Representatives Bandy, Black (M), Dolbare, Drake, Galliher, Guin, Hilliard, Hogan, Johnson (E), Knight (J), Laird, McAdory, Minnifield, Morrison, Morrow, Page, Parker (P), Robinson, Seibenhener and Thomas (D).

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**AMENDMENT OFFERED**

Representative Haney offered the following amendment to the bill, H. 91, as amended:

In Section 5, page 4, delete entirely the language appearing on lines 6-14, inclusive, and in lieu thereof insert the following:

(1) The range for awards of punitive damages may be from no award, up to an amount not to exceed an award of \$500,000 from an individual or a business entity, provided that any award against a business entity shall not exceed five percent of the defendant's annual gross sales.

(2) In the event the defendant is an individual, or in the event the defendant's annual gross sales, if the defendant is a business entity, at the time of the misconduct was \$2,000,000 or less, the maximum amount of punitive damages shall be the lesser of (i) the amount determined in subdivision (1) above, (ii) two times the compensatory damages awarded to the plaintiff, or (iii) solely at the option of the defendant, in the event the defendant's net worth at the time of the misconduct was \$2,000,000 or less, five percent of the defendant's net worth. In the event the defendant chooses to invoke this provision (iii) herein, the determination of the defendant's net worth shall be made in an in camera proceeding by the trial court and all such information shall be treated as confidential and at the conclusion of the proceeding all such materials shall be sealed.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Mitchell offered the following amendment to the bill, H. 91, as amended:

On page 6, line 3, delete the language ", employer, or master" and insert in lieu thereof: or employer

On page 6, line 6, delete in both places the language ", employer, or master" and insert in lieu thereof: or employer

On page 6, on line 5, delete the language ", employee, or servant" and insert in lieu thereof: or employee

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 93; Nays 2.



Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-93

Nay:

Representatives Box and Buskey.

- 2

### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Buskey inadvertently voted "Nay" and intended to vote "Yea" on the amendment offered by Representative Mitchell to the bill, H. 91, as amended.

### **AMENDMENT OFFERED**

Representative Fuller offered the following amendment to the bill, H. 91, as amended:

Amend the Committee Substitute for House Bill 91 on Page 6, Line 9, by adding the following new Section 8 and renumbering all subsequent sections accordingly:

Section 8. Punitive damages shall not be awarded against a nonhospital or noninsurance not-for-profit organization that has been recognized as a 501(c) tax exempt organization by the Internal Revenue Service. The legitimacy of 501(c) tax exempt status may be challenged for the limited purpose of assessing punitive damages, in which case the burden of proof shall be upon the party challenging the tax exempt status to prove that the tax exempt organization is being fraudulently operated for the personal financial benefit of officers or directors.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 81; Nays 10.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representatives Black (M), Gaines, Hawk, Hill, Knight (A), Moore, Newton (C), Newton (D), Seibenhener and Thomas (D).

-10

**AMENDMENT OFFERED**

Representative Page offered the following amendment to the bill, H. 91, as amended:

On page 5, line 24, delete "substantial"

**AMENDMENT TABLED**

On motion of Representative Hooper, the amendment offered by Representative Page to the bill, H. 91, as amended, was tabled.

Yeas 53; Nays 40.

FIRST EXTRAORDINARY SESSION  
3rd Day

95

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (E), Johnson (R), Knight (A), Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Morton, Newton (C), Papucci, Parker (T), Payne, Petelos, Pringle, Sanderford, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-53

Nay:

Representatives Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Clouse, Dolbare, Drake, Fuller, Gipson, Graham, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jorgensen, Knight (J), Laird, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Reed, Robinson, Rogers (M), Seibenhener, Spratt and Venable.

-40

And the bill:

H. 91. To propose an amendment to the Constitution of Alabama of 1901 to provide for punitive damages in civil actions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-72

Nay:

Representatives Bandy, Black (L), Black (M), Buskey, Drake, Hilliard, Houston, Johnson (E), Knight (J), McAdory, McClammy, Melton, Minnifield, Newton (D), Parker (P), Perdue, Reed and Robinson.

-18

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representatives Pringle, Hawkins, Gaston, Dean, Wren, Carns, Clouse, Moore, Payne, Sanderson and Townsend intended to vote "Yea" on passage of the bill, H. 91, as amended.

And the bill:

H. 74. (With Substitute): Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 6-2-3 and 6-5-100, Code of Alabama 1975, are amended to read as follows:

"§6-2-3.

"In All actions seeking relief on the ground of fraud where the statute has created a bar, the claim must not be considered as having accrued until the discovery by the aggrieved party of the fact constituting the fraud, after which he must have two years within which to prosecute his action. shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered, the fraud. In the event a document bears the signature or initials of a party, and the document would have placed a reasonable person in the exercise of reasonable diligence on notice of the fraud, then such an action for fraud shall be filed within two years of the date reflected on the document."

"§6-5-100.

"Fraud by one, accompanied with damage to the party defrauded, in all cases gives a right of action.

"(a) For purposes of this section, the following terms shall have the following meanings:

"(1) ECONOMIC DAMAGE. Actual out-of-pocket economic loss of the injured party. Economic damage does not include recovery for pain, suffering, mental anguish, emotional injuries, injury to reputation, inconvenience, or other nonpecuniary damages.

"(2) OBLIGATION OR DUTY TO COMMUNICATE. An obligation to communicate a material fact may arise from a fiduciary or confidential relationship between the parties created by contractual privity between the parties, if the contractual relationship between the parties could reasonably be deemed to include the requirement that the information be provided.

"(3) REASONABLE RELIANCE. Reliance which is objectively reasonable under the circumstances. If the circumstances are such that a reasonably prudent person would be put on notice to have exercised ordinary care, and by the exercise of ordinary care would have discovered the true facts, and the discovery of the true facts would have been timely and would have prevented the reliance, then there is not reasonable reliance and therefore no action for fraud.

"(b) As a matter of law, a person shall be deemed to have read and understood the contents of a document which bears his or her signature or initials.

"(c) There shall be one cause of action for fraud, whether committed by either of the following:

"(1) Misrepresentation.

"a. Misrepresentation of a material fact made willfully to deceive, or recklessly without knowledge, on which the opposite party reasonably relies, and as a proximate result of the reasonable reliance on the misrepresentation is proximately caused to suffer economic damage or compensatory damages shall constitute legal fraud.

"b. Misrepresentation of a material fact made to induce another to act and upon which he or she reasonably relies and does act and suffers or incurs economic damage, or compensatory damages as a proximate result thereof, shall constitute legal fraud.

"(2) Suppression.

"a. Suppression of a material fact which a party is under a legal obligation to communicate to another party and the other party reasonably relies on the absence of the material fact, and as a proximate result thereof, is caused to suffer economic damage or compensatory damages shall constitute legal fraud.

"b. The existence of a legal obligation to communicate is a threshold issue of law to be decided by the court, and no action for fraud based on suppression may be submitted to the trier of fact absent a ruling from the court that there exists a legal obligation to communicate the allegedly suppressed fact or facts.

"(d) A party or parties found to have committed legal fraud shall be jointly and severably liable to the injured party for all compensatory damages proximately caused thereby. In regard to punitive damages, the defendant or defendants shall be liable for the amount of punitive damages awarded. In the event of multiple defendants, each defendant shall be liable for the amount of punitive damages apportioned by the jury according to the degree of culpability of the defendant.

"(e) No cause of action for fraud may be filed against an insurer, or any agent, servant, or employee of the insurer, arising out of the purchase of an insurance contract unless a proper claim has been made by the claimant and denied by the insurer prior to suit having been filed."

Section 2. All laws and parts of law, including, but not limited to, any and all common law causes of action that are in conflict with any of the provisions of this act shall be and are to the extent of the conflict, repealed, and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975, are specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law. The provisions of this act shall not affect or be applied to any civil action filed before the effective date of this act.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-82

Nay:

Representative Knight (J).

- 1

#### **AMENDMENT OFFERED**

Representative Fuller offered the following amendment to the bill, H. 74, as amended:

Page 4 line 19 by striking word "and" and substituting "and/or"

#### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

**AMENDMENT OFFERED**

Representative Knight (J) offered the following amendment to the bill, H. 74, as amended:

On page 4, delete lines 18 to 20, inclusive, in their entirety and insert in lieu thereof:

"(b) As a matter of law, every legislator shall be deem to have read and understood the contents of this bill prior to voting in the affirmative on it.

**AMENDMENT TABLED**

On motion of Representative Flowers, the amendment offered by Representative Knight (J) to the bill, H. 74, as amended, was tabled.

Yeas 67; Nays 21.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-67

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Buskey, Drake, Fuller, Hall (L), Hayden, Houston, Jackson, Johnson (E), Knight (J), McAdory, Melton, Minnifield, Mitchell, Morrison, Perdue, Reed and Thomas (J).

-21

**AMENDMENT OFFERED**

Representative Hall (L) offered the following amendment to the bill, H. 74, as amended:

On page 6, line 6, delete the language ", servant,"



**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-92

And the bill:

H. 74. Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 16.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos,

Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-80

Nay:

Representatives Bandy, Black (L), Black (M), Buskey, Drake, Hall (L), Hilliard, Jackson, Johnson (E), Kennedy, Knight (J), McClammy, Mitchell, Morrison, Newton (D) and Perdue.

-16

And the bill:

H. 76. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; to eliminate liability for certain errors in judgment; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-97

Nay:

Representative Perdue.

- 1

And the bill:

H. 75. (With Substitute): To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on H. 75, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Rule 47 of the Alabama Rules of Civil Procedure is amended to read as follows:

"Rule 47.

"Jurors.

"(a) EXAMINATION OF JURORS. The court may permit the parties or their attorneys to conduct the examination of prospective jurors or may itself conduct the examination. In the latter event, the court shall permit the parties or their attorneys to supplement the examination as may be proper.

"(b) SELECTION OF JURORS AND ALTERNATE JURORS. Jurors shall be drawn and selected as provided in Chapter 16 of Title 12 of the Code of Alabama 1975, ~~§12-16-70 et seq.~~, unless otherwise superseded or modified herein.

"After the venire has been qualified by the court, and after the parties have conducted their voir dire process, and after challenges for cause have been addressed, the venire shall be reduced to 30 venire members by a random selection process. Thereafter, 12 venire members shall be placed in the jury box by random selection. Each party shall then have six preemptory strikes with no

backstrikes, with the party demanding the jury commencing the preemptory strikes.

~~"Regular jurors shall be selected from a list containing the names of at least twenty-four (24) competent jurors and shall be obtained by the parties or their attorneys alternately striking one (1) from the list until twelve (12) remain, the party demanding the jury having the first strike.~~

"The Court may direct that not more than six ~~(6)~~ jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors shall have the same qualifications, shall be subject to the same examination, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as regular jurors. Unless the parties agree otherwise, the parties shall be entitled to strike from a list containing the names of three ~~(3)~~ competent jurors for each alternate juror required in addition to at least ~~twenty-four~~ thirty competent jurors required for a regular jury.

"When the Court has determined the total number of jurors, including alternates, to be impaneled and has imparted that information to counsel and the clerk, the parties ~~will~~ shall proceed to strike the jury. When they reach the number determined by the court to be impaneled, the striking shall continue until the regular number of jurors is reached. The alternate jurors ~~will~~ shall be those jurors whose names had not been struck when the total number determined by the court had been reached, but whose names were stricken before the regular number of jurors was reached. When the jury has been selected, the clerk shall furnish the court with a list of the alternate jurors, in inverse order in which their names were stricken, i.e., the last name stricken ~~will~~ shall be listed as alternate juror number 1, the next to last name stricken as alternate juror number 2, and so on until the number of alternates determined by the court is reached. The regular jury and the alternates ~~will~~ shall be impaneled. Jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties shall be discharged. Just prior to the time the jury retires to consider its verdict, the court shall supply any vacancies from the list furnished by the clerk, beginning with the last name stricken, then next to last and so on until the regular number of jurors has been reached. Other alternate jurors impaneled but not used shall be discharged.

"(c) MULTIPLE CLAIMS, PARTIES, AND ACTIONS. In all claims or actions tried together, for the purpose of striking the jury, two or more parties having relatively similar interests may be aligned as a single party or the court may add additional names to the list and permit strikes to be exercised separately or jointly; but, in all events, the plaintiff shall be entitled to one-half of the total number of strikes allocated to all parties unless the total number of strikes cannot be divided equally, in which event the plaintiff shall have no less than one ~~(1)~~ less than the total number of strikes allocated to all other parties, nor more than one ~~(1)~~ more than the total number of strikes allocated to all other parties.

"(dc) DISTRICT COURT RULE. Rule 47 does not apply in the district courts."

Section 2. This act shall apply to all civil actions pending on or filed after its effective date.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 81; Nays 15.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representatives Bandy, Buskey, Clark (W), Hall (L), Hayden, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McClammy, Minnifield, Mitchell, Newton (D) and Perdue.

-15

### **AMENDMENT OFFERED**

Representative Flowers offered the following amendment to the bill, H. 75, as amended:

On page 4, after line 23, insert the following language: "(d) Once the jury members have been selected, the jury shall be impaneled and the trial shall commence within a period of no more than 10 business days thereafter. If more than 10 business days after selection pass without the trial actually commencing, the jurors shall be dismissed and the case continued to be reset in due course."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 73; Nays 19.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-73

Nay:

Representatives Baker, Clark (W), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Perdue, Reed, Spratt and Thomas (J).

-19

**AMENDMENT OFFERED**

Representative Newton (D) offered the following amendment to the bill, H. 75, as amended:

On page 2, line 5, strike the word "may" and insert in lieu thereof: shall

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill,

Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 75. To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 26.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Drake, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Reed, Spratt and Thomas (J).

-26

And the bill:

H. 89. (With Substitute): Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of

liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as "The Alabama Product Liability Act of 1996."

Section 2. The Legislature finds that:

(1) The terms of this act codify legal rules concerning claims of product-related injury that balance the interests of an aggrieved party with the promotion of business interests, and the balance is necessary to increase the standard of living of Alabamians.

(2) Distributors, wholesalers, dealers, and retail sellers of products are frequently made parties to lawsuits involving product liability claims, even though the entities often are not even remotely connected to the manufacture, design, assembly, packaging, or labeling of the product.

(3) The defense of certain product liability actions, and any resulting liability arising from the cases, have an adverse impact upon consumer prices, and upon the availability and use of products.

(4) Certain product liability actions and litigation have increased substantially, and the cost of litigation has risen in recent years. The Legislature concludes that after a lapse of time of more than 15 years, the burden on the courts to adjudicate the complexities of proof with the obstacles of faded



memories, unavailable witnesses, and lost evidence; and, where evidence is available, the opportunity for intervening factors such as the acts or omissions of others regarding inadequate product maintenance, improper use, and product alterations; and the difficulty faced by manufacturers who generally have no control over a product after it is put to use to construct a legitimate defense after years of possession by other parties; all weigh more heavily in favor of repose of the actions than allowing adjudication of those claims which would otherwise arise thereafter.

It is therefore the intent of the Legislature, by the enactment of this act, to limit the liability of distributors, wholesalers, dealers, and retail sellers of products from product liability claims under certain circumstances as set out herein. It is further the intent of the Legislature, by the enactment of this act, to codify certain features of the judicially-created Alabama Extended Manufacturer's Liability Doctrine, and to provide businesses that desire to market products within this state with a concise, defined statement of the standards to which they are expected to adhere.

Section 3. This act shall govern all product liability actions. For the purposes of this act, a "product liability action" is any action brought by a natural person, corporation, or any other entity for personal injury, death, or injury to property other than the product itself caused by the manufacture, construction, design, formulation, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, or labeling of a manufactured product, whether or not the action would have been based upon negligence; innocent, negligent, or intentional misrepresentation; suppression; fraud; deceit; the manufacturer's liability doctrine; the Alabama Extended Manufacturer's Liability Doctrine; breach of any implied warranty; breach of any oral or written express warranty; or any other legal theory or cause of action. A product liability action does not include an action for indemnity, an action for injury to the product itself, or an action seeking to recover only economic losses.

Section 4. (a) No defendant shall be liable in any product liability action unless the claimant proves all of the following by the preponderance of the evidence:

- (1) The claimant suffered injury to the claimant's person or property, other than to the product itself.
- (2) The product was defective and unreasonably dangerous to the ultimate user or consumer at the time the product left the possession of the defendant.
- (3) The defendant is engaged in the business of selling such product.
- (4) The product was expected to and did reach the user or consumer without substantial change in the condition in which it was sold by the defendant.

(5) The defective and unreasonably dangerous condition of the product proximately caused the injury for which recovery is sought.

(b) Except as otherwise provided in this act, the claimant is not required to establish the following:

(1) The defendant failed to exercise reasonable care in the manufacture and sale of the product.

(2) The claimant bought the product from or entered into any contractual relationship with the defendant.

(c) For the purposes of this act, a "defective and unreasonably dangerous" product is one that is not fit for its intended purpose, as demonstrated by a preponderance of the evidence establishing one or more of the following:

(1) The product deviated in a material way from the manufacturer's or designer's specifications or from otherwise identical units manufactured to the same manufacturing or design specifications.

(2) The manufacturer failed to provide adequate warnings or instructions at the time the product left the possession of the manufacturer.

(3) It was formulated or designed in a way as to make it unreasonably dangerous.

(4) It failed to conform to an express warranty or to other express factual representations upon which the claimant reasonably relied in electing to use the product.

(d) In addition to the requirements of subsection (c), a product may be deemed a "defective and unreasonably dangerous" product only if:

(1) The claimant proves by a preponderance of the evidence that, by virtue of a defect, the product is dangerous to an extent beyond that which is contemplated by the ordinary consumer or user, with the ordinary knowledge common to the community as to its characteristics.

(2) Regarding claims that the seller provided inadequate warnings or instructions, the claimant proves by a preponderance of the evidence that:

a. A reasonably prudent person in the same or similar circumstances as the defendant would have provided different warnings or instructions with the product at the time it left the possession of the manufacturer, taking into account the characteristics of the product and the knowledge common to an ordinary consumer or user of the product, provided that a manufacturer shall have no duty to provide additional warnings or instructions after a product leaves the manufacturer's possession.

b. The danger posed by the product is not open and obvious to the ordinary consumer or user of the product, taking into account the characteristics of, and the ordinary knowledge common to, the persons who ordinarily use or consume the product.

c. The claimant would have read and heeded the proposed alternative warnings or instructions and warnings or instructions would have prevented the claimant's injury.

d. In the case of a prescription drug, medical device, or other product that is intended to be used only under the supervision of a physician or other licensed professional person, a reasonably prudent person in the same or similar circumstances as the manufacturer would have provided different warnings or instructions to the prescribing or supervising professional, taking into account the characteristics of the product and the knowledge common to a physician or other licensed professional who prescribes the drug, device, or other product.

e. In the case of a product intended to be and in fact used in the workplace, a reasonably prudent person in the same or similar circumstances as the manufacturer would have provided different warnings or instructions directed to the claimant's employer which, if heeded by the employer, would in the course of normal events have prevented injury to employees.

(3) Regarding claims that the product's formulation or design rendered it unreasonably dangerous, the claimant proves by a preponderance of the evidence that a safer, practical alternative formulation or design was technically feasible and existed at the time the product was manufactured that would have prevented the harm for which the claimant seeks to recover compensatory damages, without substantially impairing the usefulness, practicality, marketability, or desirability of the product to users or consumers, and that was of greater overall safety than the design actually used.

(4) The claimant proves by a preponderance of the evidence that the danger posed by the product does not result from an inherent characteristic of the product which is a generic aspect of the product that cannot be eliminated without substantially compromising the product's usefulness or desirability and which characteristic is recognized by the ordinary person with ordinary knowledge common to the community.

(5) The claimant proves by a preponderance of the evidence that the defective and unreasonably dangerous condition of the product that allegedly caused the claimant's injury is not the result of a modification or alteration performed by someone other than the defendant and made, after the product left the possession of the defendant, in a manner not reasonably foreseeable to the manufacturer of the product.

Section 5. (a) Assumption of the risk shall be an affirmative defense in any product liability action when the defendant proves by a preponderance of the evidence all of the following:

(1) The claimant had knowledge of a dangerous condition or characteristic of the product.

(2) The claimant appreciated the danger of the condition or characteristic.

(3) The claimant voluntarily, or upon instruction of his or her employer or supervisor, exposed himself or herself to the dangerous condition.

(b) Contributory negligence shall be an affirmative defense to liability, when the defendant proves by a preponderance of the evidence that the claimant failed to take reasonable care for his or her own safety in the use of the product and thereby caused or contributed to cause the claimant's injury.

(c) Product misuse shall be an affirmative defense, when the defendant proves by a preponderance of the evidence that the injury for which the claimant seeks recovery resulted from using a product in a manner not intended by the manufacturer of the product, unless the use might have been reasonably foreseeable by the manufacturer at the time the product was placed in commerce.

(d) Nothing in this section shall be construed to eliminate any common-law defense to an action for damages caused by a product.

Section 6. No product liability action may be asserted against any distributor, wholesaler, dealer, retailer, or seller of a product unless any one of the following applies:

(1) The distributor, wholesaler, dealer, retailer, or seller of a product is also the manufacturer or assembler of the final product and such act is causally related to the product's defective condition.

(2) The distributor, wholesaler, dealer, retailer, or seller of a product exercised substantial control over the design, testing, manufacture, packaging, or labeling of the product and such act is causally related to the product's condition.

(3) The distributor, wholesaler, dealer, retailer, or seller of a product altered or modified the product, and the alteration or modification was a substantial factor in causing the harm for which recovery of damages is sought.

Section 7. Nothing in this act shall be construed to supersede or abrogate the provisions of Sections 6-5-522 to 6-5-524, inclusive, Code of Alabama 1975.

Section 8. No action may be based upon an allegedly defective and unreasonably dangerous product that left the possession of the manufacturer more than 15 years prior to accrual of the cause of action. The existence of a product for a period of time shall demonstrate conclusively, as a matter of law, that the product was not unreasonably dangerous and therefore that no action based on the allegedly defective and unreasonably dangerous condition of the product may be brought.

Section 9. In any action for harm caused by a defect in a product, punitive damages may not be awarded against a defendant if any one of the following occurs:

(1) The defendant provides evidence to the court that damages have been awarded in any prior action against the defendant for the same defect. For purposes of this section, identical defects in individual units of manufacturer's product shall be deemed to be the same defect.

(2) The defendant is a manufacturer or designer and the aspect of the manufacture, design, formulation, inspection, testing, packaging, labeling, or warning which caused the claimant's harm complied with one or more of the following:

a. Any federal statute existing at the time the product was produced.

b. Any administrative regulation existing at the time the product was produced that was promulgated by an agency of the federal government which had responsibility to regulate the safety of the product or to establish safety standards for the product pursuant to a federal statute.

c. Any pre-market approval or certification by an agency of the federal government.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act are severable. If any section, subsection, clause, provision, or other portion of this act should be held invalid or unenforceable, whether on grounds of unconstitutionality or otherwise, by any court of competent jurisdiction, the holding shall not invalidate or render unenforceable any of the remaining portions of this act, which shall continue effective. Furthermore, in the event that any portion of this act should be held invalid or unenforceable, or otherwise denied full force and effect, by any court of competent jurisdiction on the ground that any portion is violative of Section 11 of the Constitution of Alabama of 1901, the portion of this act shall nevertheless not be deemed to have been repealed, rescinded, or annulled by the Legislature; and, in the event that, subsequent to a holding of invalidity or unenforceability, the constitutional amendment proposed in (i) House Bill \_\_\_\_\_ introduced at the same session of the Legislature at which this act was enacted, or (ii) Senate Bill \_\_\_\_\_ introduced at the same session of the Legislature at which this act was enacted, is duly ratified as part of the Constitution of Alabama of 1901, as amended, then the portion of this act held to be invalid or unenforceable shall be effective, and shall be deemed to be in full force and effect, in accordance with its terms, on and after the date on which the constitutional amendment is proclaimed to have been ratified.

Section 12. This act shall apply only to civil actions commenced or filed on or after the effective date of the act.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 84; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-84

Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Hall (L), Kennedy, Knight (J), Mitchell and Perdue.

- 9

And the bill:

H. 89. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 16.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-78

Nay:

Representatives Baker, Bandy, Black (M), Boyd, Buskey, Clark (W), Drake, Hall (L), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D) and Perdue.

-16

And the bill:

H. 85. (With Substitute): To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in judgments accepted prior to trial.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in judgments accepted prior to trial.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Rule 68 of the Alabama Rules of Civil Procedure is amended to read as follows:

"Rule 68. Offer of judgment.

~~"At any time more than 15 days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against him for the money or property or to the effect specified in his offer, with costs then accrued. If within 10 days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the clerk shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs. If the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer. The fact that an offer is made but not accepted does not preclude a subsequent offer. When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time, not less than 10 days, prior to the commencement of hearings to determine the amount or extent of liability.~~

"Any party may serve upon an adverse party a written unconditional offer or demand for entry of judgment for the money specified in the offer or demand. The offer or demand shall not be filed with the court. The parties shall consider the offer or demand in the event mediation does not successfully resolve the claims of the parties, but the offer or demand may be made at any time after 60 days following service of the complaint on the subject party. If a party's last demand or offer was fifty thousand dollars (\$50,000) or less, and the ultimate judgment entered in the case is not within 25 percent of the last demand or offer of either party, and if the court determines that the demand or offer was rejected unreasonably, upon motion by the party making a demand or offer and in the discretion of the trial court, the adverse party may be ordered to pay some or all of the reasonable attorneys' fees of the opposing party computed at a reasonable hourly rate and some or all of the out-of-pocket expenses of the opposing party incurred by the opponent from 10 calendar days after the date of offer or demand until the ultimate disposition of the case. If a party's last demand or offer was greater than fifty thousand dollars (\$50,000) and the ultimate judgment entered in the case is not within 50 percent of the last demand or offer of either party, and if the court determines that the offer was rejected unreasonably, upon motion by the party making a demand or offer and in the discretion of the trial court, the adverse party may be ordered to pay some or all of the reasonable attorneys' fees of the opposing party computed at a reasonable hourly rate and some or all of the out-of-pocket expenses of the opposing party incurred by the opponent from 10 calendar days after the date of offer or demand until the ultimate disposition of the case. In the event the trial court awards reasonable attorneys' fees and out-of-pocket costs to a party, such award shall be a set-off against the money judgment, if any, granted to the opposing party. The trial court shall, either in writing or on the record in open court with all parties present, explain reasons for the court's order. The written order or the order put on the record shall be a final,



appealable order governed by the Alabama Rules of Civil Procedure. This rule applies only to money damages claims.

~~"(de) District court rule. Rule 68 applies in the district courts except that the time period of 15 days is reduced to 14 days and the time period of 10 days is reduced to seven days."~~

Section 2. This act shall apply to all civil actions filed after the effective date of this act.

Section 3 This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

### **AMENDMENT OFFERED**

Representative Guin offered the following amendment to the bill, H. 85, as amended:

On page 2, on line 11, delete the word "in" and delete line 12 in its entirety and insert in lieu thereof: in the discretion of the trial court.

### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 85. To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in the discretion of the trial court.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Bandy, Buskey, Kennedy, Knight (J), McClammy, Mitchell and Perdue.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representatives Ford and Hooper intended to vote "Yea" on passage of the bill, H. 89, as amended.

**H. 86 TAKEN UP**

And the bill:

H. 86. (With Substitute): Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Damages for emotional distress or mental anguish shall not be recoverable in any action except as follows:

(a) A claimant may recover damages for emotional distress or mental anguish upon proof that the claimant has been treated for the alleged emotional or mental condition by a professional provider of mental health services licensed to provide such services or by the claimant's treating physician.

(1) In contract cases, damages for emotional distress or mental anguish shall not be recoverable.

(2) In tort cases, damages for emotional distress or mental anguish shall not be recoverable except in cases involving physical injury to the plaintiff, fraud as defined in the Code of Alabama 1975, and claims of wanton or intentional torts.

(b) A bystander, witness, or observer of a physical injury suffered by another shall not be entitled to damages for emotional distress or mental anguish.

Section 2. Nothing contained in this act shall be construed to grant or create a cause of action.

Section 3. Nothing in this act shall apply to actions for wrongful death.

Section 4. The provisions of this act shall apply only to civil actions filed on or after its effective date.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 87; Nays 10.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

Nay:

Representatives Bandy, Boyd, Buskey, Johnson (E), Kennedy, Knight (J), McClammy, Minnifield, Mitchell and Perdue.

-10

And the bill:

H. 86. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 12.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Bandy, Black (M), Boyd, Buskey, Drake, Houston, Johnson (E), Kennedy, Knight (J), McClammy, Mitchell and Newton (D).

-12

And the bill:

H. 88. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

was taken up.

#### AMENDMENT OFFERED

Representative Reed offered the following amendment to the bill, H. 88:

On page 2, on line 25, after the period insert: All written instructions and charges given to the jury shall also be given verbally to the jury.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 88. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Buskey, Drake, Hall (L), Hilliard, Johnson (E), Kennedy, Knight (J), McClammy, Mitchell and Newton (D).

-10

And the bill:

H. 78. Relating to change or transfer of venue in civil actions; to amend Section 6-3-21.1, Code of Alabama 1975, to provide that the trial court may not give any greater weight to the choice of forum of the plaintiff than any other factor.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

Nay:

Representatives Buskey, Drake, Hilliard, Knight (J), McClammy and Newton (D).

- 6

And the bill:

H. 77. (With Substitute): Relating to wrongful death actions, to amend Sections 6-5-391 and 6-5-410, Code of Alabama 1975, to provide for the recovery of compensatory damages in wrongful death cases and limitation on the amount of punitive damages.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to wrongful death actions, to amend Sections 6-5-391 and 6-5-410, Code of Alabama 1975, to provide for the recovery of economic damages in wrongful death cases.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-5-391, as amended by Act No. 95-774, 1995 Regular Session, and Section 6-5-410, Code of Alabama of 1975, are amended to read as follows:

"§6-5-391.

"(a) When the death of a minor child is caused by the wrongful act, omission, or negligence of any person, persons, or corporation, or the servants or agents of either, the father, or the mother as specified in Section 6-5-390, or, if the father and mother are both dead or if they decline to commence the action, or fail to do so, within six months from the death of the minor, the personal representative of the minor may commence an action for such economic damages as the jury may assess. Nothing herein shall be construed to create any right to punitive damages, if any, which shall be awarded only as is otherwise allowed by law.

"(b) An action under subsection (a) for the wrongful death of the minor shall be a bar to another action either under this section or under Section 6-5-410.

"(c) Any damages recovered in an action under this section shall be distributed according to the laws of intestate succession, Article 3 (commencing with Section 43-8-40) of Chapter 8 of Title 43."

"§6-5-410.

"(a) A personal representative may commence an action ~~and recover such damages for such economic damages~~ as the jury may assess in a court of competent jurisdiction within the State of Alabama, and not elsewhere, for the wrongful act, omission, or negligence of any person, persons, or corporation, his, her, or their servants or agents, whereby the death of his or her testator or intestate was caused, provided the testator or intestate could have commenced an action for such wrongful act, omission, or negligence if it had not caused death. Nothing herein shall be construed to create any right to punitive damages, if any, which shall be awarded only as is otherwise allowed by law.



"(b) Such action shall not abate by the death of the defendant, but may be revived against his or her personal representative and may be maintained though there has not been prosecution, conviction, or acquittal of the defendant for the wrongful act, omission, or negligence.

"(c) The damages recovered are not subject to the payment of the debts or liabilities of the testator or intestate, but ~~must~~ shall be distributed according to the statute of distributions.

"(d) Such action ~~must~~ shall be commenced within two years from and after the death of the testator or intestate."

Section 2. For purposes of Sections 6-5-391 and 6-5-410 of the Code of Alabama 1975, economic damage shall mean actual out-of-pocket economic loss resulting from the death of the decedent. Economic damage does not include recovery for pain, suffering, mental anguish, emotional injuries, or other nonpecuniary damages.

Section 3. This act shall apply to all causes of action which accrue after the effective date of this act.

Section 4. This act shall become effective upon its passage and approval by the Governor on the date the amendment to the Constitution of Alabama of 1901, proposed by House Bill 91 of the 1996 Special Session is approved by the voters.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 68; Nays 24.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Black (L), Black (M), Boyd, Buskey, Clark (W), Clouse, Dolbare, Drake, Guin, Hall (L), Hawk, Hilliard, Jackson, Kennedy, Melton, Minnifield, Moore, Morrow, Newton (D), Page, Parker (P), Perdue, Reed and Robinson.

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### AMENDMENT OFFERED

Representative Mitchell offered the following amendment to the bill, H. 77, as amended:

On page 2, line 1, delete "servants or" and insert in lieu thereof: ~~servants or~~

On page 2, line 23, delete "servants or" and insert in lieu thereof: ~~servants~~  
or

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 9.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Maull, McDaniel, McKee, McMillan, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Black (M), Box, Drake, Guin, Hayden, McAdory, Melton, Newton (D) and Turner.

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And the bill:

H. 77. Relating to wrongful death actions, to amend Sections 6-5-391 and 6-5-410, Code of Alabama 1975, to provide for the recovery of economic damages in wrongful death cases.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 28.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (M), Buskey, Clark (W), Clouse, Dolbare, Drake, Guin, Hall (A), Hall (L), Hawk, Hilliard, Hinshaw, Kennedy, Knight (J), McClammy, Melton, Minnifield, Moore, Morrow, Newton (C), Newton (D), Page, Parker (P), Parker (T), Perdue, Robinson and Thomas (D).

-28

And the bill:

H. 80. (With Substitute): Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this act, "mediation" means a process in which a neutral third party assists the parties to a civil action in reaching their own settlement but does not have the authority to force the parties to accept a binding decision.

(b) Mediation is mandatory for all parties in the following instances:

(1) At any time where all parties agree.

(2) Upon motion by any party. The party asking for mediation shall pay the costs of mediation, except attorney fees, unless otherwise agreed.

(3) In the event no party requests mediation, the trial court may, on its own motion, order mediation. The trial court may allocate the costs of mediation, except attorney fees, among the parties.

(c) If any party fails to attend the mediation and mediate in good faith as required by this section, the court may apply such sanctions as it deems appropriate pursuant to Rule 37 of the Alabama Rules of Civil Procedure.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 94; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci,

Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-94

Nay:

Representatives Black (M) and Drake.

- 2

### H. 80 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 80, as amended, was temporarily carried over at the request of Representative McDaniel.

And the bill:

H. 82. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Hilliard, Knight (J), McClammy and Perdue.

- 4

### H. 80 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 80, as amended, was temporarily carried over at the request of Representative McDaniel.

And the bill:

H. 81. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representatives Kennedy, Newton (D) and Perdue.

- 3

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And the bill:

H. 84. To create a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representatives Hilliard, Knight (J), McClammy, Newton (D) and Perdue.

- 5

**H. 80 RESUMED**

And the bill:

H. 80. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representative Perdue.

- 1

And the bill:

H. 83. (With Amendment): Relating to summary judgments; to amend Rule 56 of the Alabama Rules of Civil Procedure to change the time for serving a motion for summary judgment and hearing of the motion; to further provide for the ruling on the motion; to provide for factual findings on the denial of the motion; and to provide for an appeal process.

was taken up.

The question was then on the adoption of the smendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

On page 3, on line 6, delete "contents" and insert in lieu thereof: contends

On page 5, on line 26, delete "extend" and insert in lieu thereof: extent

On page 7, on line 4, delete "obtained" and insert in lieu thereof: obtaining

On page 7, on line 20, delete "(d)(c)" and insert in lieu thereof: (dc)

On page 7, on line 22, delete "ten (10)" and insert in lieu thereof: ~~ten (10)~~  
fifteen (15)



**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 83. Relating to summary judgments; to amend Rule 56 of the Alabama Rules of Civil Procedure to change the time for serving a motion for summary judgment and hearing of the motion; to further provide for the ruling on the motion; to provide for factual findings on the denial of the motion; and to provide for an appeal process.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

Nay:

Representatives Knight (J), McClammy and Perdue.

- 3

And the bill:

H. 92. To provide for limitation of liability of property owners for injuries resulting from recreational activities occurring on their real property.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Sanderson offered the following substitute to the bill, H. 92:

#### **A BILL TO BE ENTITLED AN ACT**

To provide for limitation of liability of property owners for injuries to persons who enter their property without express permission.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. An owner, lessee, or occupant of real property owes no duty of care to keep such property safe for entry and use by persons entering the property without express permission of the owner, or to give any warning regarding hazardous conditions, structures, or activities on such real property to any person entering the property without the express permission of the owner.

Section 2. Nothing in this act shall be construed to repeal or in any way affect the limitations of liability provided in Sections 11-47-190, 11-93-2, and 35-15-1 to 35-15-28, inclusive, Code of Alabama 1975, nor does it limit the liability which otherwise exists under the common law doctrine of attractive nuisance or the willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

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Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

And the bill:

H. 92. To provide for limitation of liability of property owners for injuries to persons who enter their property without express permission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representative Perdue.

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 92, as amended:

Representatives Allen, Baker, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Layson, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morton, Papucci, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Townsend and Wren.

**H.J.R. 23 AGAIN TAKEN UP**

The question was then on the adoption of the resolution, H.J.R. 23, and on motion of Representative Venable, the resolution was adopted.

Yeas 89; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-89

Nay:

Representatives Black (L), Hilliard, Mitchell, Newton (D) and Perdue.

- 5

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the resolution, H.J.R. 23:

Representatives Dolbare, Ford, Millican, Moore, Penry and Reed.

**BILLS ON THIRD READING**

The House then proceeded with the consideration of the bills on the Regular Calendar.

And the bill:

H. 8. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-71

And the bill:

H. 11. Relating to Washington County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McKee, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-71

And the bill:

H. 15. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maul, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-73

And the bill:

H. 21. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

-74

And the bill:

H. 22. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; and providing for disposition of funds from the additional fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Curry, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, White and Willis.

-61

And the bill:

H. 23. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Curry, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Moore, Morton, Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-60

And the bill:

H. 24. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Thomas (J), Turnham, Vance, Venable, White and Willis.

-61

And the bill:

H. 37. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.



was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Thomas (D), Thomas (J), Turnham, Vance, Venable, White, Willis and Wren.

-63

And the bill:

H. 38. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, White and Willis.

-65

And the bill:

H. 40. Relating to Tallapoosa County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Maull, McAdory, McClammy, McMillan, Millican, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-71

And the bill:

H. 43. Relating to Randolph County; allocating certain funds to the Sheriff of Randolph County from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-68

And the bill:

H. 45. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McKee, Millican, Moore, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-69

And the bill:

H. 50. (With Substitute): To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County; and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the municipality of Sylacauga in Talladega County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality in addition to the lands now included, all of the following territory, to wit:

PARCEL 1. Commence at the Southeast corner of Lot #20 of Block "C", Third Addition to Lake Joy Subdivision as shown by map of said subdivision on record in the Office of the Judge of Probate of Talladega County, Alabama, in Plat

Book No. 4 at page 68; thence with a front sight on the Southwest corner of said lot 20 turn 14° 38'20" left and proceed Southwesterly for a distance of 698.55 feet to the point of beginning of land herein described; thence from said point of beginning turn an angle of 07° 08' left and proceed Southwesterly along the Westerly boundary of Honeysuckle Road for a distance of 190.2 feet; thence turn 91° 38' right and proceed Northwesterly for a distance of 356.7 feet to a point the Easterly side of a lake, thence turn 85° 18'38" right and proceed Northeasterly for a distance of 192.09 feet to a point on the Easterly side of said lake; thence turn 94° 53'44" right and proceed Southeasterly for a distance of 366.98 feet to the point of beginning of herein described property and containing 1.58 acres located in the NW1/4-NW1/4 & the SW1/4-NW1/4 of Section 14, T22S, R4E, Talladega County, Alabama.

PARCEL 2. Lots 3, 4 & 5 Block "A" of Lake Joy -Whetstone Gardens Subdivision as recorded in the Office of the Judge of Probate of Talladega County, Alabama in Plat Book No. 4 at Page 69.

PARCEL 3. A tract or parcel of land in Talladega County, Alabama, lying and being in the Northeast Quarter of the Southeast Quarter (NE1/4 of SE1/4) of Section 22, Township 20 South, Range 4 East, and being more particularly described as follows: Commence at the Southeast corner of Northwest Quarter of Southeast Quarter (NW1/4 of SE1/4) of the above mentioned Section 22 and proceed North 01 degree 00 minutes West along the East boundary of said quarter-quarter section for a distance of 429 feet, more or less, to a point on the Westerly right-of-way line of Louisville & Nashville Railroad right-of-way; thence North 32 degrees East along the Westerly right-of-way line of said railroad for a distance of 789 feet, more or less, to the point of beginning herein described; thence continue North 32 degrees 00 minutes East for a distance of 96 feet to a point on said Westerly right-of-way line of the above mentioned railroad; thence North 66 degrees 59 minutes West for a distance of 265.7 feet to a point on the Easterly right-of-way line of U.S. Highway #21; thence South 20 degrees 08 minutes West along the Easterly right-of-way line of said highway for a distance of 95 feet to a point; thence South 66 degrees 59 minutes East and parallel with the Northerly boundary of said parcel of land for a distance of 245.9 feet to the point of beginning; containing 0.56 acre.

Parcel 4. Lots 3, 4, 7, 8, 9, of Block 56 and Lots 1, 2, 3 of Block 57 of the Avondale Mills Sec. D. Subdivisions a copy which is located in Subdivisions Plat Book No. 3 on Page 37 in the Talladega County Probate Judge's Office.

Parcel 5. Lot No. 1 of the Twin Pines Subdivision as shown by map of said subdivision on record in the Office of the Judge of Probate Talladega, County, Alabama in Slide 217 at Page 202.

Section 2. The boundary lines and corporate limits of the municipality of Sylacauga in Talladega County are hereby altered, rearranged and reduced so as to exclude from the corporate limits of said municipality all of the following territory, to wit:

Parcel 1.

A 51.05 acre tract of land described as: From that point of beginning of the NW corner of the NW 1/4 of the SW 1/4, Section 17, Township 22 South, Range 4 East, proceed N 89° 21'E for a distance of 1917.30 feet to a point on the West side of the Talladega County Road #39. From this point turn an angle to the right and proceed in a SW direction S 19° 28'W for a distance of 446.74 feet to a point; from this point proceed S 10° 11'W along the West right-of-way line of said County Road for a distance of 907.02 feet to a point; thence turn an angle to the right and proceed S 89° 57'W for a distance of 1546.77 feet to a point; thence turn an angle to the right proceed N 2° 42'W for a distance of 1294.94 feet to the point of beginning.

This 51.05 acre tract of land lies in the NE 1/4 of the SW 1/4 and the NW 1/4 of the SW 1/4 of Section 17, Township 22, Range 4 East, Talladega County, Alabama.

LESS AND EXCEPT: That property heretofore sold as described in the following deeds which are recorded in the Office of the Judge of Probate of Talladega County, Alabama, as follows:

Deed Book 445 at Page 275

Deed Book 445 at Page 277

Deed Book 453 at Page 175

Deed Book 474 at Page 617

Deed Book 560 at Page 285

LESS AND EXCEPT: Lots 5 and 6 of Quail Run Subdivision as recorded in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book No. 6 at Page 28.

LESS AND EXCEPT: Commence at the Northwest corner of Lot #4 of the "Quail Run Subdivision" as shown by map of said subdivision recorded in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book No. 6 at Page 28, being the point of beginning of herein described parcel of land; thence proceed West along the South boundary of Covey Cove Road a distance of 150.05 feet; thence turn an angle of 87 deg. 49min. left and proceed Southerly for a distance of 191.88 feet; thence turn an angle of 92 deg. 13 min. left and proceed East a distance of 150.0 feet to the Southeast corner of said Lot #4; thence turn an angle of 87 deg. 47 min. left and proceed Northerly along the West boundary of said Lot #4 a distance of 191.88 feet to the point of beginning of herein described parcel of land. Containing 0.66 acres.

The above described parcel of land is located in the North one-half of the Southwest one-fourth of Section 17, Township 22 South, Range 4 East, Talladega County, Alabama.

LESS AND EXCEPT: Commencing at the Northwest Corner of Lot #4 of Quail Run Subdivision as recorded in the Office of Probate of Talladega County, Alabama, Plat Book No. 6, Page 28. Thence West along the South R.O.W. of Covey Cove Road for 150.06 feet to a point; thence continue along previous described course for 159.93 feet to a point; thence turn an angle of 90° 01'05" left Southerly for 190.05 feet to the point of beginning; thence continue along previous described course for 192.27 feet to a point on the North R.O.W. of Quail Run Drive; thence turn an angle of 89° 49'30" left Easterly along said North R.O.W. for 246.05 feet to the SW Corner of Lot #5 Quail Run Subdivision Plat Book No. 6, Page 28; thence turn an angle of 91° 18'10" left Northerly along the West line of said lot for 191.53 feet to a point; thence turn an angle of 88° 21'30" left Westerly for 89.72 feet to a point; thence turn an angle of 0° 14'40" Left Westerly for 152.56 feet back to the point of beginning. Containing 1.07 acres more or less. Being in and a part of the N 1/2 of the SW 1/4 of Section 17, Township 22 South, Range 4 East, Talladega County, Alabama

LESS AND EXCEPT: Commencing at the Northwest Corner of Lot #4 of Quail Run Subdivision as recorded in the Office of Probate of Talladega County, Alabama, Plat Book No. 6, Page 28 Thence West along the South R.O.W. of Covey Cove Road for 150.06 feet to a point; thence continue along previous described course for 159.93 feet to a point; thence turn an angle of 90° 01'05" left Southerly for 442.53 feet to a point on the South R.O.W. of Quail Run Drive and being the point of beginning; thence continue along previous described course for 191.00 feet to a point on the South line of the N 1/2 of the SW 1/4 of Section 17, Township 22 S, Range 4 E, Talladega County, Alabama; thence turn an angle of 89° 34'55" Left Easterly along the South line of said N 1/2 of SW 1/4 for 25.39 feet to a point; thence turn an angle of 0° 24'00" left Easterly along the South line of said N 1/2 of SW 1/4 for (198.65) feet to the SW Corner of Lot #6 Quail Run Subdivision; thence turn an angle of 89° 43'10" left Northerly along the West line of said Lot #6 for 190.58 feet to the NW Corner of said Lot #6 and the South R.O.W. of Quail Run Drive; thence turn an angle of 90° 07'40" left Westerly along the South R.O.W of said Drive for 225.03 feet back to the point of beginning. Containing 0.98 acres more or less. Being in and a part of the N 1/2 of the SW 1/4 of Section 17, Township 22 South, Range 4 East, Talladega County, Alabama.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act is retroactive to July 28, 1995.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Maull, McAdory, McKee, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-65

And the bill:

H. 50. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County; and to provide for retroactive effect.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Black (L), Boyd, Burke, Carns, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Maull, McAdory, McKee, McMillan, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-65

And the bill:

H. 51. Relating to Pickens County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Maull, McMillan, Moore, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable and Willis.

-57

And the bill:

H. 52. Relating to Pickens County; levying an additional fee for court costs in the Town of Gordo for law enforcement purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Maull, McMillan, Moore, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-60

And the bill:

H. 55. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.



Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Mauli, McMillan, Millican, Moore, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-67

And the bill:

H. 58. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity is entitled to the allowances payable by the state for feeding prisoners; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Laird offered the following substitute to the bill, H. 58:

#### **A BILL TO BE ENTITLED AN ACT**

Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 1 and 2 of Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), are amended to read as follows:

"Section 1. In Randolph County, the sheriff in his or her official capacity may keep and retain the allowances for feeding prisoners payable by the state, counties, or municipalities, and after expending all amounts necessary for the feeding of prisoners, may expend any excess funds for the maintenance and upkeep of the county jail. In no event shall these funds be considered personal funds.

"Section 2. The provisions of this amendatory act are declaratory of existing law and are retroactive to January 18, 1983, and all actions taken by the sheriff in accordance with the provisions of this act are validated and confirmed."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McMillan, Millican, Moore, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Venable, White and Willis.

-67

And the bill:

H. 58. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Carns, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Maull, McAdory, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Newton (D),

Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-63

And the bill:

H. 64. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

was taken up.

#### **SUBSTITUTE OFFERED**

Representative Laird offered the following substitute to the bill, H. 64:

#### **A BILL TO BE ENTITLED AN ACT**

To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

#### **PROPOSED AMENDMENT**

The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Clay County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Clay County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Clay County Volunteer Fire Department Association. The proceeds shall be divided by the association among the eligible volunteer fire departments and rescue squads so that the proceeds of the tax collected within the corporate limits of the Cities of Ashland and Lineville shall be allocated proportionately to the volunteer fire departments of those cities and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squads which serve the unincorporated areas of the county.

An eligible fire department, for purposes of this amendment, means a fire department in Clay County which is a member in good standing with the Clay County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this amendment, means a rescue squad in Clay County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Clay County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Clay County without prior approval of the Clay County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Clay County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally

to the other fire departments and rescue squads. In the event the association is dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

This amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval.

Section 2. An election upon the proposed amendment shall be held at the primary election in June 1996. The election shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Clay County, proposing an amendment to the Constitution of Alabama of 1901, levying a fire protection property tax in Clay County to be used to support the Clay County Volunteer Fire Department Association.

Proposed by Act \_\_\_\_\_"

This description shall be followed by the following language:

"Yes ( ) No ( )."

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McMillan, Moore, Morrow, Morton, Murphree, Newton (C), Page,

Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-66

And the bill:

H. 64. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McMillan, Moore, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-67

And the bill:

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

was taken up.

**SUBSTITUTE OFFERED**

Representative Laird offered the following substitute to the bill, H. 65:

**A BILL  
TO BE ENTITLED  
AN ACT**

To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

**PROPOSED AMENDMENT**

The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Randolph County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Randolph County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Randolph County Volunteer Fire Department Association. The proceeds shall be divided by the association so that the proceeds of the tax collected within the corporate limits of the City of Roanoke shall be allocated to the volunteer fire department of the city and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squad which serve the unincorporated area of the county.

An eligible fire department, for purposes of this amendment, means a fire department in Randolph County which is a member in good standing with the Randolph County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this amendment, means a rescue squad in Randolph County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Randolph County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Randolph County without prior approval of the Randolph County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Randolph County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments and rescue squads. In the event the association is dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

This amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval.

Section 2. An election upon the proposed amendment shall be held at the primary election in June 1996. The election shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.



Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Randolph County, proposing an amendment to the Constitution of Alabama of 1901, levying a fire protection property tax in Randolph County to be used to support the Randolph County Volunteer Fire Department Association.

Proposed by Act \_\_\_\_\_"

This description shall be followed by the following language:

"Yes ( ) No ( )."

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carter, Clouse, Collins, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Laird, Layson, McAdory, McMillan, Mitchell, Morrow, Morton, Murphree, Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-61

And the bill:

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McMillan, Mitchell, Morrow, Morton, Murphree, Page, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-67

And the bill:

H. 19. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, Maull, McAdory, McMillan, Morrow, Morton, Murphree, Parker (P), Parker (T), Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-59

And the bill:

H. 20. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Maull, McAdory, McMillan, Morton, Murphree, Parker (P), Parker (T), Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-53

And the bill:

H. 6. Relating to Shelby County; to provide for the assessment of additional court costs in the circuit court and district court of the county for the purpose of funding the county law library.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Maull, McAdory, McMillan, Moore, Morrow, Morton, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-56

Nay:

Representatives Gaines and Knight (A).

- 2

And the bill:

H. 27. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 3.

Yea:

Mr. Speaker, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Kennedy, Knight (A), Maull, McAdory, McMillan, Moore, Morrow, Morton, Murphree, Parker (P), Penry, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-53

Nay:

Representatives Gaines, Millican and Petelos.

- 3

And the bill:

H. 28. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 2.

Yea:

Representatives Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Maull, McAdory, McMillan, Millican, Moore, Morrow, Morton, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Turnham, Venable, White and Willis.

-55

Nay:

Representatives Gaines and Sanderson.

- 2

And the bill:

H. 29. To provide an annual supplemental salary for the Chief Magistrate of Shelby County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 6.

Yea:

Representatives Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper,

Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Maul, McAdory, McDaniel, McMillan, Morton, Murphree, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, White and Willis.

-57

Nay:

Representatives Gaines, Hall (A), Millican, Morrow, Page and Sims.

- 6

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Black (M):

H. 103. To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating or formerly participating in the Employees' Retirement System.

### COMMITTEE ON LOCAL GOVERNMENT

By Representatives Carns, Sanderson, Gaines, McMillan, Hawkins, Dean, Seibenhener, Hooper, Flowers, McKee, Gaston, Penry, Sims, Willis, Johnson (R), Allen, Papucci, Haney, Petelos, Sanderford, Thomas (D), Jorgensen, Townsend, Payne, Crigler, Pringle, and Clouse:

H. 104. Relating to tort reform; providing for the awarding of punitive damages in civil causes of action.

### COMMITTEE ON STATE ADMINISTRATION

By Representative Wren (With Notice and Proof):

H. 105. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

### COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representative Wren (With Notice and Proof):

H. 106. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Drake (With Notice and Proof):

H. 107. Relating to the Town of Eva in Morgan County; authorizing the town to contract for the administration and enforcement of any tax or license levied in the town.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird (With Notice and Proof):

H. 108. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Gaston, Gaines, Lindsey, Crigler, Turner, Dean, Buskey, Box, Newton (C), Venable, Clouse, Sanderson, Moore, Laird, Millican, and Dolbare:

H. 109. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Secretary of State and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

COMMITTEE ON BUSINESS AND LABOR

By Representative Sims:

H. 110. To amend Section 40-9B-3 of the Code of Alabama 1975, as amended by Act No. 95-321 of the 1995 Regular Session, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories which qualify for tax abatements; and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Sims:

H. 111. To amend Section 1 of Act No. 95-187, H. 438 of the 1995 Regular Session codified as Section 40-18-190 of the Code of Alabama 1975, relating to a credit against Alabama income tax liability with respect to income generated by expansions of certain existing businesses, and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:



By Senator Barron:

S. 36. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 36. Ways and Means.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little (With Notice and Proof):

S. 53. Relating to Tallapoosa County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 53, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 53. Local Legislation No. 1.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 71. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 71, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 71. Local Legislation No. 1.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 7. Relating to Crenshaw County; authorizing the county commission to increase the expense allowance of its chair.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 7.                      Local Legislation No. 1.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 3. Relating to Montgomery County; providing further for the compensation of the elected official in the position of the revenue commissioner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 3, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 3.                      Local Legislation No. 5.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler (With Notice and Proof):

S. 1. Relating to Madison County; exempting the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes; and exempting all property owned and used by this organization from county and municipal ad valorem taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 1, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 1. Local Legislation No. 4.

### BILLS ON SECOND READING

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 7. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to

receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

H. 95. Relating to Marengo County; authorizing the county commission to collect taxes, licenses and other fees and/or revenues currently being collected by the State Department of Revenue.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 73. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

## RESOLUTIONS

The following resolution was introduced:

By Representative Smith:

H.J.R. 36. COMMENDING JEFF DANSBY AS EMERGENCY MEDICAL TECHNICIAN OF THE YEAR IN CHILTON COUNTY.

The resolution, H.J.R. 36, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 37. COMMENDING THE REVEREND JOHN FOSTER, PASTOR OF THE FIRST BAPTIST CHURCH OF ANDALUSIA, ALABAMA, FOR OUTSTANDING SERVICE TO HIS CHURCH AND THE COMMUNITY.

Also:

By Representative Hammett:

H.R. 38. RECOGNIZING THE RETIREMENT OF MRS. RUTH BIRGE OF FLORALA, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Carns:

H.J.R. 39. CONGRATULATING MR. AND MRS. CHARLES CARNS ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 39, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Drake and Turner:

H.J.R. 40. DECLARING THAT NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY OR ACT NO. 95-438, HJR 382, 1995 REGULAR SESSION, THE ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION SHALL NOT BE REQUIRED TO REPORT TO THE LEGISLATURE UNTIL THE SECOND DAY OF THE 1996 REGULAR SESSION.

The resolution, H.J.R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hooper, Flowers, Sanderson, McMillan, Gaston, Dean, Pringle, McKee, Haney, Papucci, Petelos, Gaines, Rogers (M), Knight (A), Sanderford, Moore, Thomas (D), McDaniel and Allen:

H.J.R. 41. HONORING THE LIFE AND LEGACY OF YITZHAK RABIN.

The resolution, H.J.R. 41, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 12. COMMENDING THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in 1995, the University of North Alabama's 1995 Football Team went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate the University of North Alabama 1995 Football Team, and Coach Bobby Wallace and his staff, on an extraordinary record of accomplishments, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 12, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on January 10, 1996.

H.J.R. 2

H.J.R. 3

GREG PAPPAS  
Clerk

### ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 1:00 o'clock p.m., Tuesday, January 16, 1996.



**FOURTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, January 16, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend G. R. "Bud" Brainerd, Memorial Presbyterian Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Lee Gibbons, 10th Grade, Northview High School, Dothan, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**RESOLUTION**

The following resolution was introduced:

By Representative Hammett:

H.J.R. 42. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Tuesday, January 16, 1996, they adjourn to meet again on Thursday, January 18, 1996, and when they adjourn on Thursday, January 18, 1996, they adjourn to meet again on Tuesday, January 23, 1996.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 42, was adopted.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, January 18, 1996, and at 1:00 o'clock p.m. on Tuesday, January 23, 1996 and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 4. MOURNING THE DEATH OF MR. ADOLPH WEIL, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the untimely death of Adolph Weil, Jr., of Montgomery, Alabama, on December 12, 1995; and

WHEREAS, born on February 8, 1915, in Montgomery, Adolph "Bucks" Weil was an outstanding businessman, a noted philanthropist, a dedicated public servant, and a generous supporter of the arts, whose philosophy was that with financial success came a responsibility to give something back to the community and to society in general; and

WHEREAS, he was widely known and admired through his involvement in leadership and service with numerous civic, cultural, and educational activities, and for his frequent, anonymous financial support of many worthy organizations; he was also a very caring person whose concern for his family, friends, and the community was reflected daily through his many endeavors on their behalf; and

WHEREAS, among his numerous contributions, he served as Chairman of the Alabama Ethics Commission, President of the Montgomery Area United Way, the Jewish Federation of Montgomery, Temple Beth-Or, and the American Cotton Shippers Association; his many board memberships included the Y.M.C.A., the Montgomery Museum of Fine Arts, the Hood Museum at Dartmouth College, the Tukabatchee Area Council of the Boy Scouts of America, the Davis Theater for the Performing Arts, the Montgomery Business Community for the Arts, First Alabama Bank, the National Cotton Council, the Montgomery Council on Aging, and the Mental Health Association; additionally, he led the successful crusade to save the Meals on Wheels program for the Montgomery area; and

WHEREAS, Bucks Weil was indeed a kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Adolph Weil, Jr., and extend our very deepest sympathy to his wife, Jean Kaufman Weil; daughters, Jan Katherine Weil and Dr. Laurie Weil; son, Adolph Weil, III; and other family members, for whom a copy of this resolution shall be provided that they may know that we sincerely share their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 4, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 5. COMMENDING ROBERT THOMAS JANNEY ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Robert Thomas Janney of Troop 74, Thorsby, Alabama, and the son of Robert and Betty Janney, has successfully completed the requirements for the prestigious rank of Eagle Scout, scouting's highest honor, and was recognized at a Court of Honor led by his Scoutmaster, Jerry Davis, on May 17, 1995, at Rocky Mountain Methodist Church in Jemison, Alabama; and

WHEREAS, Robert Thomas, age 16, has provided exemplary service to Troop 74 and the community, and holds the distinction of being the first Eagle Scout in the town of Thorsby, Alabama, to receive this outstanding award; and

WHEREAS, Robert Thomas, who has served as a worthy role model for all scouts, has attained a perfect five-year attendance pin, and has received over 37 merit badges, earning him the Silver Palm Honor; and

WHEREAS, Robert Thomas Janney has developed leadership ability, and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Robert Thomas Janney, grandson of Mr. and Mrs. T. O. Newman, and Mrs. Betty Janney, and great grandson of Mrs. Mable Bennett, be congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding attainment in qualifying for this high honor.

BE IT FURTHER RESOLVED, That he receive a copy of this resolution of highest commendation, tribute, and esteem.

On motion of Representative Carter, the resolution, H.J.R. 5, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 6. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW DRUGS AND BIOLOGICS.

WHEREAS, improving patient access to quality health care is a paramount national goal; and

WHEREAS, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

WHEREAS, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

WHEREAS, current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

WHEREAS, the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness.

RESOLVED FURTHER, that copies of this resolution be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Alabama Delegation of Congress.

On motion of Representative Carter, the resolution, H.J.R. 6, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

##### **H.J.R. 7. MOURNING THE DEATH OF SISTER MARY L. MURPHY.**

WHEREAS, the Alabama Legislature herein notes with profound sorrow and regret the death of Sister Mary L. Murphy on October 9, 1995, at the age of 84 years; and

WHEREAS, Sister Murphy, who gave her life to Christ at an early age, exhibited by word and deed her consuming interest in the well-being of others through her faithful leadership and supreme gift of service as a member of Mount Olive Baptist Church #2, Greater Morning Star Missionary Baptist Church, Nazaree #2 Baptist Church, and as First Lady of Saint Mark Missionary Baptist Church; she truly exerted a profound influence on all those whose lives she touched; and

WHEREAS, the lamentable death of Sister Murphy, a devout and deeply dedicated Christian, has indeed left an unfathomable void in the life of the community, and in the hearts of her loving family who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as death is mourned, thanks are given to God for the life and service of Sister Mary L. Murphy and, by copy of this resolution, deepest sympathy is hereby extended to her devoted and loving husband of 63 years, The Reverend Clarence Murphy, Sr.; five children; 31 grandchildren; 38 great-grandchildren; and one great-great grandchild; and to the many members of her extended family who share with countless others their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 7, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 10. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in subsection (b) of Section 1 of Act No. 95-395, H. 149 of the 1995 Regular Session, the words "three consecutive weeks" mean at least once a week over a three consecutive week period.

BE IT FURTHER RESOLVED, That the present Legislature is the same Legislature that enacted Act No. 95-395, H. 149 of the 1995 Regular Session.

On motion of Representative Carter, the resolution, H.J.R. 10, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 11. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.**

WHEREAS, in its desire to recognize outstanding achievement, the Alabama Legislature notes with sincere pleasure that native Alabamian Eddie Martin is the holder of the world speed record for wreckers, 109.330 miles per hour, which was set in August 1979, at the Talladega International Speedway Track;

WHEREAS, as a longtime veteran of stunt driving and racing, Mr. Martin came out of retirement to post the record-breaking time, driving a custom made wrecker for the race and for the record; and

WHEREAS, a resident of Pell City in St. Clair County, Eddie Martin currently serves as vice president of Auto Daredevils, an organization of 110 employees with five touring and units which travel the entire United States, Mexico, and Puerto Rico; and

WHEREAS, during 25 years of successful driving, Mr. Martin, in addition to his recent world record is a five-time National Champion and holds official titles as National Point Champion, Canadian Champion, and Ohio State Champion; and

WHEREAS, throughout his long and colorful career, Eddie Martin has brought much fame and honor to his hometown and to the entire State of Alabama, both as a champion and as a beloved and highly respected competitor who came to be known as the "Racing Man's Driver"; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby name and designate that portion of County Highway 174 in St. Clair County from Highway 231 to Highway 411, as the "Eddie Martin Parkway" in honor of Mr. Martin.

**BE IT FURTHER RESOLVED,** That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating that portion of County Highway 174, the "Eddie Martin Parkway."

On motion of Representative Carter, the resolution, H.J.R. 11, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 13. COMMENDING JERRY BROWN--A NINTH GENERATION FOLK POTTER.**

WHEREAS, the Alabama Legislature congratulates Jerry Brown, a resident of Hamilton, Alabama, and ninth generation potter, who has been honored as a "National Heritage Fellow" for the excellence of his craft, and who is one of only a handful of traditional potters in the nation; and

WHEREAS, a distinguished honor which reflects positively upon our state, community and citizens, Mr. Brown was selected from 20 Alabama entrepreneurs, and more than 200 vendors by "Quest for America's Best - 50 in 50 Tour," to sell 1500 pitchers to a national market; and

WHEREAS, Mr. Brown was also the recipient of the prestigious Heritage Award presented by the Smithsonian Institute in Washington, D.C., in 1992, as well as many awards and prizes at various festivals, and was the subject of two documentaries made by the Alabama State Arts Council; and

WHEREAS, we further note that several articles and feature stories, both for print and television media, have been made featuring Mr. Brown and Blue, the mule, who grinds the clay he uses for making pottery; and

WHEREAS, the people of Hamilton are fortunate to be served by an institution of the caliber of Brown's Pottery, that has proven itself to be a healthy and positive force within the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Jerry Brown is applauded for offering quality community service to the people of Hamilton, Alabama, for nine generations and, by copy of this resolution, conveyed sincere best wishes for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 13, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:



**H.J.R. 15. CONGRATULATING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM ON ITS STATE CHAMPIONSHIP.**

WHEREAS, 1995 was a phenomenal year for the Daleville High School JROTC Warhawk Rifle Team, which captured its third straight Alabama State Championship in both the air rifle and .22-caliber smallbore divisions; and

WHEREAS, under the skillful leadership of Retired Lieutenant Colonel Jim Duhaime, senior JROTC instructor and rifle team coach, the Warhawk Rifle Team scored 1,096 points in the air rifle division, and 2,162 points in smallbore to capture the state championship; and

WHEREAS, rifle shooting has been an Olympic event since the inception of the Olympic games, and requires year-round practice, competition in a standing or kneeling position for long periods of time, and the shooter's untiring efforts and countless hours of hard work, diligence, and great perseverance to perfect the requirements to win; and

WHEREAS, contributing to the outstanding accomplishments of the 1995 Daleville High School JROTC Warhawk Rifle Team are Mike Isbill, men's air rifle champion; Ginny Higgins, women's air rifle and smallbore state champion; B. J. Cordle, James Spears, LaShay Maynor, Paul Camp, Sean Camp, Bryan Lindsey, and Ivan Marte; and

WHEREAS, the citizens of Daleville, and surrounding communities, supporters of the JROTC Warhawk Rifle Team, students, alumni, and friends are justly proud of the accomplishments of this team, and wish to express their appreciation and continued support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in expression of pride that is shared statewide, we hereby most highly commend and congratulate the Daleville High School JROTC Warhawk Rifle Team on its third straight Alabama State Championship, and do further direct that copies of this resolution be forwarded to Coach Duhaime for appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 15, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 16. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.**

WHEREAS, on September 17, 1995, members, friends, and special guests assembled to celebrate the 100th Anniversary of Midland City Baptist Church, and its first 100 years of Christian ministry and service to the Midland City community; and

WHEREAS, over the years since its organization in 1895, Midland City Baptist Church has grown and flourished, and this milestone occasion provided an opportunity to reflect upon its rich and glorious heritage, and the many benchmarks in its long and illustrious history; and

WHEREAS, in contemplating the past, those who contributed so much in the life of Midland City Baptist were remembered, including former pastors, Reverend Poyner, the church's founding pastor (1895-1911), A. G. Spinks (1911-1935), J. B. Lasetter (1935-1943), P. W. Lett (1943-1950), W. H. Waters (1950-1974), David Spencer (1974-1977), T. W. Buford (1977-1980), Wallace Duke (1980-1987), George Thompson (1987-1993), and current pastor, the Reverend John Anderson, who has been at Midland City Baptist since 1993, and who continues in dynamic and spirit-filled guidance to lead his flock toward an even brighter church life; and

WHEREAS, also recognized were the many dedicated members, both past and present, who have served Midland City Baptist Church with Christian love, sacrifice, and devotion for more than ten decades; and

WHEREAS, in its first 100 years of Christian service, Midland City Baptist Church has had significant impact on the spiritual and moral climate of the Midland City community, and is indeed to be praised on the accomplishments of its celebrated past, which stand as a solid rock upon which to build a resplendent future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Midland City Baptist Church, Midland City, Alabama, on its Centennial Anniversary, and direct that a copy of this resolution be presented to Pastor John Anderson on behalf of the entire membership for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 16, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 18. DESIGNATING SENATE BILL 248 OF THE 1995 REGULAR SESSION "THE ROGER BEDFORD CANCER REGISTRY ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 248 of the 1995 Regular Session is named and shall forever be known as "The Roger Bedford Cancer Registry Act."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Senator Bedford so that he may be informed of this recognition.

On motion of Representative Carter, the resolution, H.J.R. 18, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 19. COMMENDING DEAN PARHAM H. WILLIAMS, JR., FOR OUTSTANDING SERVICE AS VICE PRESIDENT AND DEAN OF CUMBERLAND SCHOOL OF LAW, SAMFORD UNIVERSITY.

WHEREAS, Dean Parham H. Williams, Jr., is being commended and praised in recognition of his extraordinary and distinguished service as Vice President and Dean of Cumberland School of Law, Samford University, Birmingham, Alabama; and

WHEREAS, Dean Williams received both his B.A. and J.D. Degrees from the University of Mississippi, an LL.M. Degree from Yale University, and is the author of numerous publications; he has also served his profession in such prominent capacities as prosecutor, professor, and dean at the University of Mississippi Law School, and

WHEREAS, with tireless hard work and unwavering commitment, Dean Williams has made a lasting impression at Cumberland Law School by increasing the number of admission applications by 200%, reducing the class size by 15%, raising the average admissions criteria to new heights, and was instrumental in 17 new members joining the faculty; and

WHEREAS, Dean Williams has overseen the largest funds development efforts in the history of Cumberland Law School, and his leadership has been of inestimable worth to the school and his colleagues; and

WHEREAS, in addition to the many responsibilities of his career, Dean Williams has served in such capacities as Chairman of the Governor's Task Force on Tort Reform, the Mississippi Supreme Court Advisory Committee on Rules, the Alabama Humanities Foundation, and as an American Bar Foundation Fellow, to mention a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his extraordinary service as Vice President and Dean of Cumberland School of Law, Samford University, we hereby most highly commend Dean Parham H. Williams, Jr., whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 19, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 20. CONGRATULATING THE CORDOVA BLUE DEVILS ON THEIR STATE 3-A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature, in utmost commendation, extends heartiest congratulations to the Cordova Blue Devils on winning the 1995 State 3A Football Championship; and

WHEREAS, ending the season with a spectacular victory, the Cordova High School Blue Devils shut out the B. B. Comer Tigers 6-0 to win the Alabama High School Athletic Association's Class 3A Championship, and captured the crown in front of a crowd of 4,000 spectators; and

WHEREAS, Head Coach Brian Maner, who is widely acknowledged as an outstanding high school coach, is also known for the positive impact he has had upon the young students under his tutelage; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be praised for his integral part in achieving this coveted goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Cordova High School Blue Devils on their 1995 Alabama High School Athletic Association's Class 3A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to Coach Brian Maner, his staff, and his Blue Devils Champions, with a copy also provided for appropriate school display.

On motion of Representative Carter, the resolution, H.J.R. 20, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 21. MOURNING THE DEATH OF ALICE KAY WILSON OF JASPER, ALABAMA.

WHEREAS, it is with deep personal sadness that the Legislature of Alabama records the death of Alice Kay Wilson, Jasper, Alabama, at the age of 35 years; and

WHEREAS, Ms. Wilson, the daughter of former Alabama Senator Robert T. Wilson and Ruth Wilson, and sister of former State Senator Robert T. Wilson, Jr., graduated from Walker High School in 1978, received her degree in home economics from Auburn University graduating cum laude in 1982, was a member of the Omicron Nu National Honor Society, and received her Master's Degree from Reformed Theological Seminary, Jackson, Mississippi, in 1991; and

WHEREAS, Ms. Wilson, who was a devoted servant at Briarwood Presbyterian Church in Birmingham, Alabama, began her professional career with Student Venture in 1983, the high school campus outreach program of Campus Crusade for Christ, was a teaching assistant at Reformed Theological Seminary in 1991, and later returned to Jasper where she served eminently and with great dedication in the Child Development program at Walker College, and at the Jasper Center of Bevill State Community College as the Learning Resource Center Coordinator from November 1991 until her death; and

WHEREAS, the lamentable death of Alice Kay Wilson has indeed left an unfathomable void in the life of the community, and in the hearts of her loving family who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, thanks are given to God for the life and service of Alice Kay Wilson, and, by copy of this resolution, deepest sympathy is hereby extended to her parents, Senator and Mrs. Robert T. Wilson; two sisters, Sue Wilson Stough and Sally Wilson DeWitt; one brother, Senator Robert T. Wilson, Jr.; and to members of her extended family and friends who share with countless others their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 21, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 41. HONORING THE LIFE AND LEGACY OF YITZHAK RABIN.**

WHEREAS, Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922; and

WHEREAS, Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967; and

WHEREAS, Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977, and from June 1992 until his assassination on November 4, 1995, in Tel Aviv, Israel; and

WHEREAS, under the leadership of Yitzhak Rabin a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, followed by the peace treaty between Israel and Jordan on October 26, 1994, which continues today; and

WHEREAS, on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker; and

WHEREAS, shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a change for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people"; and

WHEREAS, Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature and the citizens of Alabama hereby condemn the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms; express admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service; express our support for the government of Prime Minister Shimon Peres; reaffirm our commitment to the process of building a just and lasting peace between Israel and its neighbors; and by copy of this resolution to be provided through the Israeli Embassy, do hereby extend our deepest sympathy and condolences to the family of Prime Minister Rabin, and to all the people of Israel in this time of tragedy.

On motion of Representative Carter, the resolution, H.J.R. 41, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.R. 35. URGING THE GOVERNOR TO IMMEDIATELY REMOVE THE CURRENT COMMISSIONER OF REVENUE.**

WHEREAS, the House of Representatives has grave concern regarding an appearance of impropriety by the current Commissioner of the Department of Revenue; and

WHEREAS, this body believes it is in the best interest of this state to appoint another individual to this critical position in state government; now therefore,

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA,** That the Governor of Alabama is urged to immediately remove Mr. Ralph Eagerton as Commissioner of the Department of Revenue.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be immediately delivered to the Governor so that he may be informed of our concerns regarding this matter.

On motion of Representative Carter, the resolution, H.R. 35, was adopted.

### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Sims abstained from voting on the resolution, H.R. 35.

### **BILLS ON SECOND READING**

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

**H. 104.** Relating to tort reform; providing for the awarding of punitive damages in civil causes of action.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 10. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901 to limit the awarding of punitive damages in personal injury actions; and to allow a bifurcated trial on the issue of whether a defendant is liable for punitive damages.

The above bill was read a second time at length as required by the Constitution.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 39. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

H. 36. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 108. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 50. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County; and to provide for retroactive effect.

**TOMMY CARTER**  
Chairman

And the bill, H. 50, as engrossed, was ordered sent to the Senate.



**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 64. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

**TOMMY CARTER**  
Chairman

And the bill, H. 64, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 58. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

**TOMMY CARTER**  
Chairman

And the bill, H. 58, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

TOMMY CARTER  
Chairman

And the bill, H. 65, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 74. Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

TOMMY CARTER  
Chairman

And the bill, H. 74, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 75. To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

TOMMY CARTER  
Chairman

And the bill, H. 75, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 77. Relating to wrongful death actions, to amend Sections 6-5-391 and 6-5-410, Code of Alabama 1975, to provide for the recovery of economic damages in wrongful death cases.

TOMMY CARTER  
Chairman

And the bill, H. 77, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 80. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

TOMMY CARTER  
Chairman

And the bill, H. 80, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 83. Relating to summary judgments; to amend Rule 56 of the Alabama Rules of Civil Procedure to change the time for serving a motion for summary judgment and hearing of the motion; to further provide for the ruling on the motion; to provide for factual findings on the denial of the motion; and to provide for an appeal process.

TOMMY CARTER  
Chairman

And the bill, H. 83, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 85. To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in the discretion of the trial court.

TOMMY CARTER  
Chairman

And the bill, H. 85, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 86. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

TOMMY CARTER  
Chairman

And the bill, H. 86, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 88. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

TOMMY CARTER  
Chairman

And the bill, H. 88, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 89. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

TOMMY CARTER  
Chairman

And the bill, H. 89, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 91. To propose an amendment to the Constitution of Alabama of 1901 to provide for punitive damages in civil actions.

TOMMY CARTER  
Chairman

And the bill, H. 91, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 92. To provide for limitation of liability of property owners for injuries to persons who enter their property without express permission.

TOMMY CARTER  
Chairman

And the bill, H. 92, as engrossed, was ordered sent to the Senate.

**RESOLUTIONS**

The following resolution was introduced:

By Rules Committee:

H.R. 43. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the fourth legislative day, Tuesday, January 16, 1996, taking precedence over the regular order of business or any pending or unfinished business:

Report of Standing Committees

Introduction of bills and resolutions

Uncontested local bills

Unfinished business

And the following bills:

Inst Id	Page
H. 25 - By Hill	12
Small loan laws, reg. and penalties alt., Secs. 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, 5-18-21 am'd., Sec. 5-18-24 repealed	
H. 3 - By Fuller	2
Toll roads and bridges, co. comms., auth. to license, removed from regulation by Public Service Comm., Secs. 23-1-81, 37-4-1 am'd.	
H. 4 - By Fuller	3
Legislature, supp. approp.	
H. 12 - By Dolbare	3
Clarke County Historical Society, exempted from all st., co., and mun. sales and use taxes	

H. 56 - By Laird 10

Board of Education, supp. approp. to be distributed to co. bds. of ed. of Cullman, Dekalb, Etowah, Geneva and Madison counties for schools damaged by windstorm or fire, Act 95-762, 1995 Reg. Session repealed (Technical corrections)

H. 2 - By Fuller (As Substituted) 2

Unified Judicial System, supp. approp., condit.

H. 44 - By Hooper (As Amended) 7

State Records Comm. and the Local Government Records Comm., St. Finance Director and cert. designees added, Secs. 41-13-20, 41-13-22, 41-13-25 am'd.

H. 46 - By Knight (A) (As Substituted) 14

Accountants, proportionate liability in actions against

H. 47 - By Knight (A) (As Substituted) 15

Accountants, statute of limitations on cert. actions against

H. 48 - By Knight (A) (As Substituted) 15

Accountants, plaintiff with cause of action against, must be in privity of contract with accountant

H. 54 - By Johnson (R) 16

Voting machines, discontinuance of by city and co., alt., Sec. 17-9-5 am'd.

H. 69 - By Hawkins 12

Consumers, protection against unconscionable pricing, penalty

H. 57 - By Clouse 8

Health insurance for cert. persons receiving benefits under Employees' Retirement System, payment of, Secs. 36-34-1, 36-34-2 am'd., Act 95-771, 1995 Reg. Sess. am'd.



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H. 66 - By Box 11

Product demonstrators, deemed independent contractors for unemployment compensation purposes, Secs. 25-4-10 and 25-5-50 am'd.

H. 68 - By McKee 11

Deceptive trade practices, enhanced penalties, Sec. 8-19-12 am'd.

H. 32 - By McKee 6

Motor vehicles, Alabama Shakespeare Festival, distinctive license plates, auth. for supporters of, distrib. of funds

H. 30 - By Hill 13

Mechanics' and materialmen's liens, portable toilets included, Sec. 35-11-210 am'd

H. 67 - By Curry (As Amended) 9

Corrections Dept., supp. approp., current fiscal year

H. 59 - By Pringle 16

State Docks Dept., sale or lease of real property, clarified, Sec. 33-1-17 am'd.

On motion of Representative Carter, the resolution, H.R. 43, was adopted.

Also:

By Representatives Wren, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis:

**H.J.R. 44. MOURNING THE DEATH OF FLOYD H. MANN OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Floyd H. Mann of Montgomery, Alabama, on January 12, 1996, at the age of 76 years; and

WHEREAS, Floyd H. Mann was a remarkable man whose illustrious career of longtime, dedicated public service reflected not only his commitment to duty, but his care and concern for the good and well-being of his fellow man; and

WHEREAS, a native of Daviston in Tallapoosa County, Alabama, Floyd Mann served with the United States Air Corps during World War II, as a tail gunner on a B-17, flying some 27 combat missions over Europe, including the first daylight raid on Berlin, and receiving numerous awards for his service, including the Distinguished Flying Cross; and

WHEREAS, following military service, and a successful tenure as chief of police in Opelika, Alabama (1950-58), Floyd Mann was appointed director of the Department of Public Safety under Governor John Patterson in 1959, and it was during this tenure, in May of 1961, that he received national attention when he took charge of a rioting mob during a violent and bloody "freedom riders" incident in Montgomery, an act for which he would be credited with saving the lives of a young civil rights activist and a Birmingham newspaperman, and receive United Press International's "Man of the Year" award in 1961; and

WHEREAS, over the remainder of his career, Floyd Mann would also serve as public safety director under Governor Albert Brewer; as administrator of the State Alcoholic Beverage Control Board under Governor Fob James; as assistant to University of Alabama President David Matthews; and, later, with the Department of Health, Education and Welfare in Washington, D.C.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Floyd H. Mann, and extend our most heartfelt sympathy to his devoted wife of 51 years, Grace Mann; sons, Paul and Lane Mann; daughters, Deanna Daniel, Kay Grayson, and Patsy Baker; to his 10 grandchildren; and to other close family members for whom a copy of this resolution shall be provided.

On motion of Representative Wren, the rules were suspended and the resolution, H.J.R. 44, was adopted.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives McMillan and Penry:

H. 112. To make a supplemental appropriation from the State General Fund in the State Treasury to the State Forestry Commission in the amount of \$400,000 for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Starkey, Morrison, Carter, Clark (J), Morrow, Penry, Burke, Hooper, Dolbare, Hawkins, and Knight (A):

H. 113. To authorize the Department of Conservation and Natural Resources to lease any or all state parks to the Retirement Systems of Alabama upon completion of a feasibility study by the Retirement Systems of Alabama; to provide total and complete access by the Retirement Systems of Alabama to all records and information pertaining to the state parks; to provide for the effect on existing park employees; to provide a procedure for the Governor or the Legislature through the Department of Conservation and Natural Resources to terminate the lease of state parks; and to make legislative findings regarding the conditions and future operations of the state park system.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 114. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 115. To exempt the Birmingham Broadway Series from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 116. To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 117. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderson, Turner, Starkey, Dolbare, Collins, Crigler, Galliher, Robinson, Jorgensen, Gipson, Turnham, Hammett, Sanderford, Flowers, Parker (T), Hall (A), Payne, Carns, Houston, Townsend, Murphree, Minnifield, Allen, Hinshaw, Papucci, Haney, Petelos, Rogers (M), Hill, Hawk, McAdory, Spratt, Hilliard, Melton, Dukes, Gaines, Graham, Morrow, Page, Carothers, Clouse, Seibenhener, Curry, Laird, Jackson, Hayden, Thomas (D), Vance, Wren, McKee, Guin, Sims, Willis, Baker, McMillan, Buskey, Mitchell, Box, Penry, Boyd, Maull, Newton (C), Venable, Reed, Hamilton, Fuller, Gaston, Dean, Pringle, Kennedy, Newton (D), Smith, Johnson (E), Carter, Ford, Hogan, and Clark (J):

H. 118. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties.

#### COMMITTEE ON JUDICIARY

#### RESOLUTIONS

The following resolutions were introduced:

By Representatives Hinshaw, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 45. COMMENDING DR. DANNY BLANCHARD FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY AND STATE OF ALABAMA.

WHEREAS, Dr. Danny Blanchard is being commended and praised in recognition of his extraordinary and distinguished service in the Huntsville Community and State of Alabama; and

WHEREAS, Dr. Blanchard received his B.A. from Oakwood College, M.A. from Loma Linda University, and his Ed.S. and Ph.D. from Vanderbilt University, among other additional studies; he has also served in such prominent capacities as counselor, adjunct professor, professor, and consultant/advisor in countless professional environments; and

WHEREAS, with tireless hard work and unwavering commitment, Dr. Blanchard has made a lasting impression as the author of numerous publications in the field of mental health, and is well-known for his motivational speaking engagements; and

WHEREAS, an exemplar of extraordinary leadership ability and significant achievement, Dr. Danny Blanchard has served as President of the Community Development Advisory Council, and as board member of both the Hope-Place Woman's Abuse Shelter, and Salvation Army, among innumerable other memberships; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his extraordinary service to the Huntsville Community and State of Alabama, we hereby most highly commend Dr. Blanchard, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Hinshaw, the rules were suspended and the resolution, H.J.R. 45, was adopted.

Also:

By Representatives Starkey, Drake, Black (M), Ford and Sanderford:

H.J.R. 46. COMMENDING COACH BOBBY WALLACE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Coach Bobby Wallace of the University of North Alabama, among numerous claims to fame, holds the distinction of being the winningest coach in the history of the Division II playoffs with 13 playoff wins, and only the 18th coach in the history of NCAA college football, on any level, to have won as many as three national championships, joining the ranks of such football giants as Paul "Bear" Bryant, Woody Hayes, Glenn "Pop" Warner, Knute Rockne, and others; and

WHEREAS, indeed with the culmination of its 1995 championship season, and under his brilliant leadership and guidance, University of North Alabama football has reached new and unprecedented heights of achievement; over the past three years, UNA has become the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships; the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95); its current 23-game winning streak is second best in the nation behind only Nebraska's 25; its Purple Swarm defense leads Division II in rushing defense and scoring defense; and current streaks include 41 consecutive wins against NCAA Division II opponents, and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to an outstanding record of accomplishment, we hereby most highly commend Head Coach Bobby Wallace of the University of North Alabama, and direct that he receive a copy of this resolution as an expression of our sincere regard and best wishes for every future success.

On motion of Representative Starkey, the rules were suspended and the resolution, H.J.R. 46, was adopted.

### **SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

was taken up.

### **AMENDMENT OFFERED**

Representative Hall (A) offered the following amendment to the bill, H. 14:

On page 7, line 1, insert a new Section 10 and renumber subsequent sections accordingly:

Section 10. The implementation of this act shall become effective when the county commission receives a letter from the tax collector stating that all equipment is in place and the tax collector is ready to commence collection of the taxes pursuant to Section 1 of this act.

### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Buskey, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Melton, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Venable and Willis.

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#### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable and Willis.

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And the bill:

H. 95. Relating to Marengo County; authorizing the county commission to collect taxes, licenses and other fees and/or revenues currently being collected by the State Department of Revenue.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, McAdory, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

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And the bill:

H. 73. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Representatives Allen, Baker, Box, Boyd, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Maull, McAdory,



McClammy, McMillan, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

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And the bill:

H. 25. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to provide for mediation, arbitration, or other alternative dispute resolutions, and to change the penalty for violation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Guin and Parker (P).

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#### **CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 25:

Representatives Burke, Carns, Carothers, Crigler, Dukes, Flowers, Ford, Gaston, Graham, Hawkins, Hilliard, Hooper, Houston, Johnson (R), Jorgensen, Laird, McAdory, McDaniel, Millican, Minnifield, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Turnham and Vance.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 39. CONGRATULATING MR. AND MRS. CHARLES CARNS ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.**

WHEREAS, the strength of our nation depends on the vitality of its families, and Charles and Ann Carns, who are celebrating 40 years of marriage, are deserving of our warm best wishes and heartiest congratulations; and

WHEREAS, joined together in matrimony on January 28, 1956, in Mobile, Alabama, their union has been enhanced by two loving children; Charles E. Carns, Jr., and Cynthia Ann Collins, and four adoring grandchildren; and

WHEREAS, serving with extraordinary enthusiasm and energy in professional and civic affairs, Mr. Carns has also demonstrated outstanding leadership ability as President of Carns Concrete Pipe Company, and views golf as his most enjoyable hobby; and

WHEREAS, Charles and Ann Carns, who will celebrate their 40th Anniversary in New Orleans, Louisiana, have distinguished themselves as highly regarded and admired members of their community, and have set an outstanding example of a joyous and lasting marital partnership; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That Charles and Ann Carns are congratulated upon the occasion of their 40th Wedding Anniversary, as well as upon the character and accomplishments of their lives together, and they are conveyed best wishes for many more years of continued happiness.

On motion of Representative Carter, the resolution, H.J.R. 39, was adopted.

### **SPECIAL ORDER CALENDAR RESUMED**

#### **H. 3 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 3, was temporarily carried over due to the absence of the sponsor.

**H. 4 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 4, was temporarily carried over due to the absence of the sponsor.

And the bill:

H. 12. To exempt the Clarke County Historical Society from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by the organization from any state, county, and local ad valorem taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Haney and Parker (P).

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**RESOLUTION**

The following resolution was introduced:

By Representatives Box, Turner, Buskey, Clark (W), Kennedy, Mitchell, Gaston, Dean, Pringle and Crigler:

**H.J.R. 47. MOURNING THE DEATH OF MICHAEL ELIAS ZOGHBY OF MOBILE, ALABAMA.**

WHEREAS, it is with profound sorrow and regret that the Legislature of Alabama records the lamentable death of Michael Elias Zoghby of Mobile, Alabama, on September 7, 1995, at the age of 62 years; and

WHEREAS, a native and lifelong resident of Mobile, Michael Zoghby served as Judge of the 13th Judicial Circuit of Alabama from his election by the citizens of Mobile County in 1970, until his retirement, March 31, 1994; and

WHEREAS, a graduate of McGill Institute, Judge Zoghby earned his Bachelor's degree cum laude from Spring Hill College, his Juris Doctorate from the University of Alabama School of Law, and entered the private practice of law; and

WHEREAS, Judge Zoghby served as a Captain in the United States Air Force Judge Advocate General's Office from 1957 to 1960, for which he was awarded the Air Force Commendation Medal for outstanding performance, and subsequently as Assistant City Attorney of Mobile, and Judge of the Municipal Court of Prichard until his election to the bench in 1970; and

WHEREAS, over his distinguished career, Judge Zoghby earned the highest admiration and respect of all with whom he was associated, not only as an able jurist and educator, but as a concerned citizen and devoted leader and supporter in civic and community affairs, and as a gentleman of true and noble character and integrity; and

WHEREAS, he was a faculty member of the Alabama Bar Institution of Continuing Legal Education, a fellow in the International Academy of Trial Judges, a contributor to "Alabama Marital Law," a book published by the Alabama Continuing Legal Education Division of the University of Alabama, a member of the Industrial Development Board, and was appointed to the Citizens Advisory Board on Consumer Affairs by the Alabama Commission on Intergovernmental Cooperation, to name a few; and

WHEREAS, he was actively involved in numerous civic and professional organizations, social and honorary societies and, throughout his career, was recognized by numerous honors and awards for his outstanding achievements and endeavors on behalf of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed saddened by the death of Michael Elias Zoghby of Mobile, Alabama, and extend our deepest heartfelt sympathy to his devoted wife, Mary Jo; daughters, Michelle Marie and Stephanie Josephine; sons, George Michael and Christopher Michael; and to other close family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Box, the rules were suspended and the resolution, H.J.R. 47, was adopted.

**SPECIAL ORDER CALENDAR RESUMED**

And the bill:

H. 56. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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**H. 2 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 2, was temporarily carried over due to the absence of the sponsor.

And the bill:

H. 44. (With Amendment): Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

was taken up.

**SUBSTITUTE OFFERED**

Representative Hooper offered the following substitute to the bill, H. 44 and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975, are amended to read as follows:

"§41-13-20.

"There is ~~hereby~~ created a state records commission consisting of ~~seven~~ nine members as follows: the director of the department of archives and history, who shall be ~~chairman~~ the chair of the commission; ~~the state finance director~~, the chief examiner of the department of examiners of public accounts; ~~the attorney general~~; the secretary of state; the commissioner of the department of revenue; ~~one member from the Alabama State University History Department appointed by the President of Alabama State University~~, one member from the University of Alabama, ~~to be designated~~ appointed by the head of the department of history, and one member from Auburn University, ~~to be designated~~ appointed by the head of the department of history. ~~The representatives of the University of Alabama and Auburn University may be removed at any time.~~ An ex officio member of the commission may be represented on the commission by his or her designee. No salary or compensation shall be allowed any member or designee of a member of the commission except expenses incurred in the performance of their duties, which expenses shall be paid pursuant to article 2 of chapter 7 of Title 36 of this Code. The commission shall hold regular quarterly meetings in ~~January, April, July and October of each year~~ and special meetings at other times upon the call of the ~~chairman~~ chair."

"§41-13-22.

"There is ~~hereby~~ created a local government records commission consisting of ~~12~~ 14 members as follows: the director of the department of archives and history, who shall be the ~~chairman~~ chair of the commission; ~~the state finance director~~, the chief examiner of the department of examiners of public accounts; ~~the attorney general~~; the secretary of state; ~~one member from Alabama State University appointed by the President of Alabama State University~~, one member from the University of Alabama, ~~to be designated~~ appointed by the head of the department of history; ~~one member from Auburn University, to be designated~~ appointed by the head of the department of history; ~~one probate judge of probate who is not a chairman chair of a county commission~~; ~~two chairmen chairpersons of county commissions who are not also probate judges of probate~~; one county tax

assessor or revenue commissioner, and two city clerks, with each of the aforementioned local officials to be appointed by the governor. The representatives of the University of Alabama and Auburn University, the probate judges judge of probate, the two chairmen chairs of the county commissions, the tax assessers assessor or revenue commissioner, and the two city clerks may be removed from the commission by the governor at any time. An ex officio member of the commission may be represented on the commission by his or her designee. No salary or compensation shall be allowed any member or designee of a member of the commission except expenses incurred in the performance of their duties, which expenses shall be paid pursuant to article 2 of chapter 7 of Title 36. The commission shall hold regular quarterly meetings in January, April, July and October of each year and special meetings at other times upon the call of the chairman chair."

"§41-13-25.

"The expenses allowed by law for the county, municipal, and other local government officials who are members of the local government records commission, or their designees, shall be paid pursuant to article 2 of chapter 7 of Title 36. The expenses allowed by law for the representatives of Alabama State University, the University of Alabama, and Auburn University who are members of either the state records commission or the local government records commission shall be paid by their respective institutions."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

And the bill:

H. 44. Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 46. (With Substitute): Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This section applies to causes of action of the type specified which are filed on or after the effective date of this section.



(b) This section governs any claim for money damages brought against any accountant or any accounting firm which is registered or certified, or both, as provided by law, to practice public accountancy in this state, or any employee or principal of such a firm by any person or entity claiming to have been injured as a result of the practice of public accountancy by the defendant accountant or other person or entity.

(c) No judgment for money damages may be entered against any accountant, firm, employee, or principal described in subsection (b) in an action covered by this section except in accordance with the following provisions:

(1) If the party seeking a judgment for damages against the accountant proves that the accountant acted with a malicious and deliberate intent to deceive or manipulate.

(2) In any other action against an accountant, the amount of liability of the accountant in damages shall be determined as follows:

a. The trier of fact shall determine the percentage of liability allocatable to the plaintiff, each of the defendants, and each of the other persons or entities alleged by any of the parties to have caused or contributed to the harm alleged by the plaintiff. In determining the percentages of liability, the trier of fact shall consider both the nature of the conduct of each person and the nature and extent of the causal relationship between that conduct and the damage claimed by the plaintiff.

b. The trier of fact shall next determine the total amount of damage suffered by the plaintiff caused in whole or in part by the plaintiff, the defendants, and other persons alleged to have caused or contributed to the damage.

c. The trier of fact shall then multiply the percentage of responsibility of the accountant as determined under a. by the total amount of damages determined under b. and shall enter a judgment or verdict against the accountant in an amount no greater than the product of those two factors.

d. In no event shall the damages awarded against or paid by an accountant exceed the amount determined under c. The accountant shall not be jointly liable on any judgment entered against any other party to the action.

e. No party shall have a right to recover from an accountant any portion of the percentage of damages assessed against the other party.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 46. Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-65

And the bill:

H. 48. (With Substitute): Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act the following terms shall have the following meanings:

(1) "Public Accountancy Service" shall include, but is not limited to, the compilation review certification or audit of, or the expression of a professional opinion or other reporting on, a financial statement or other information covering a specified period of time, or any other service provided by an accountant in the practice of public accountancy.

(2) "Accountant" means a person who is registered as a certified public accountant as provided by law or an accounting firm which is organized for the practice of public accountancy as provided by law.

Section 2. (a) This section applies to causes of action of the type specified which are filed on or after the effective date of this section.

(b) No cause of action based on negligence shall be brought against any accountant or firm of accountants by any person or entity claiming to have been injured as a result of or in the course of rendering any public accountancy services unless either or both of the following conditions exist:

(1) The claimant against the accountant was the client of the accountant.

(2) The defendant accountant or firm:

a. Knew at the time of the engagement by the client that the public accountancy services rendered to the client were to be made available to the claimant who was specifically identified to the defendant accountant for use in connection with a specified transaction made by the claimant.

b. Knew that the claimant intended to use the public accountancy service in connection with that specified transaction.

c. Directly expressed to the claimant by words or conduct the accountant's understanding of the claimant's intended reliance on such public accountancy service.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 62; Nays 1.

Yea:

Mr. Speaker, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Warren.

-62

Nay:

Representative Parker (T).

- 1

And the bill:

H. 48. Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Maull,

McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren and Willis.

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**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Hammett offered the motion to reconsider the vote by which the bill, H. 48, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 48, as amended, was again taken up.

**H. 48 TEMPORARILY CARRIED OVER**

On motion of Representative Hammett, the bill, H. 48, as amended, was temporarily carried over.

And the bill:

H. 47. (With Substitute): Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) This section applies to causes of action of the type specified which are filed on or after the effective date of this section.

(b) This section governs any action based on negligence or breach of contract brought against any accountant, or any accounting firm which is registered or certified, or both, as provided by law to practice public accountancy in this state by any person or entity claiming to have been injured as a result of financial statements or other information examined, compiled, reviewed, certified, audited, or otherwise reported or opined on by the defendant accountant, or as a result of any other engagement to provide public accountancy services.

(c) No action covered by this section may be brought unless the suit is commenced on or before the earlier of:

(1) One year from the date the alleged act, omission or neglect is discovered or should have been discovered by the exercise of reasonable diligence.

(2) Two years after completion of the service for which the suit is brought has been performed.

(3) Two years after the date of the initial issuance of the report of the accountant on the financial statements or other information.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren, Willis and Wren.

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And the bill:

H. 47. Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren, Willis and Wren.

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#### **H. 48 AGAIN TAKEN UP**

And the bill:

H. 48. Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

as amended, which was previously temporarily carried over was again read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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#### **H. 54 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 54, was temporarily carried over due to the absence of the sponsor.

And the bill:

H. 69. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

was taken up.

#### **AMENDMENT OFFERED**

Representative Hawkins offered the following amendment to the bill, H. 69:

Amend H. 69 as follows:

On page 2, line 15, delete the word "product" and insert in lieu thereof: products

On page 2, line 18, delete the word "trust" and insert in lieu thereof: trusts

On page 2, line 26, after the word "rental" delete the word "or" and insert in lieu thereof: of

On page 3, line 7, delete the words "an amount" and insert in lieu thereof: price

On page 3, line 7, delete the word "grossly" and after the word "exceeds" insert the following: , by an amount equal to or in excess of twenty-five percent

On page 3, line 9, after the word "affected" insert the word emergency

On page 3, line 10, after the word "emergency" insert a semi-colon

On page 3, line 11, delete the word "amount" and insert in lieu thereof: price

And after the word "to" insert the word reasonable

#### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 65; Nays 1.



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4th Day

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Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

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Nay:

Representative Guin.

- 1

And the bill:

H. 69. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 69, as amended:

Representatives Allen, Baker, Bandy, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Mitchell, Morrison, Morton, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable and Willis.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Ford, the rules were suspended in order to take up out of order the bill, H. 53.

And the bill:

H. 53. To amend Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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Nay:

Representative Parker (P).

**H. 57 TAKEN UP**

And the bill:

H. 57. To amend Sections 1 and 2 of Act No. 95-771, 1995 Regular Session now appearing as Sections 36-34-1 and 36-34-2, Code of Alabama 1975; and to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maul, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner and Vance.

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And the bill:

H. 66. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

was taken up.

**SUBSTITUTE OFFERED**

Representative Box offered the following substitute to the bill, H. 66:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-4-10 and 25-5-50, Code of Alabama 1975, are amended to read as follows:

"§25-4-10.

"(a) Subject to other provisions of this chapter, "employment" means:

"(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and, subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

"a. Any officer of a corporation; or

"b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

"c. Any individual other than an individual who is an employee under paragraphs a or b of this subdivision (1) who performs services for remuneration for any person:

"1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for a principal;

"2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations.

"For purposes of paragraph c of this subdivision, the term "employment" shall include services described in subparagraphs 1 and 2 of paragraph c of this subdivision, performed after December 31, 1971, only if:

"(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

"(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

"(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

"(2) Service performed:

"a. After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if the political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to Section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to Section 25-4-130 or Section 25-4-131; and

"b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

"c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government, but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various organizational components

of the state. The comptroller is hereby authorized to require of such components such payments as are necessary to discharge his or her responsibilities and shall enforce such payments under the provisions of subsection (b) of Section 25-4-51.

"d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each municipality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each separate public school system shall constitute a separate governmental entity.

"(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

"a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act, and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

"b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

"(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

"1. Such service is performed for an employing unit which:

"(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a; or

"(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a, 10 or more individuals, regardless of whether they were employed at the same moment of time.

"2. For the purposes of this paragraph a, such service is not considered to be performed in agricultural labor if performed before January 1, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

"3. For the purposes of this paragraph a any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

"(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963, or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

"(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

"4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subparagraph 3 of this paragraph a:

"(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

"(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his or her own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

"5. For the purposes of this paragraph a, the term "crew leader" shall mean an individual who:

"(i) Furnishes individuals to perform service in agricultural labor for any other persons;

"(ii) Pays (either on his or her own behalf or on behalf of such other person) the individuals so furnished by him or her for the service in agricultural labor performed by them; and

"(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

"b. Domestic service after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000.00 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

"For the purposes of this paragraph b the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club, or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise, or vocation.

"(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. Secretary of Labor approves the Unemployment Compensation Law of the Virgin Islands under Section 3304(a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivision (8) or (9) of this subsection (a) or the parallel provisions of another state's law), if:

"a. The employer's principal place of business in the United States is located in this state; or

"b. The employer has no place of business in the United States, but:

"1. The employer is an individual who is a resident of this state; or

"2. The employer is a corporation which is organized under the laws of this state; or

"3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

"c. None of the criteria of paragraphs a and b of this subdivision (5) is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

"d. An "American employer," for the purpose of this subsection, means a person who is:

"1. An individual who is a resident of the United States; or

"2. A partnership, if two-thirds or more of the partners are residents of the United States; or



"3. A trust, if all of the trustees are residents of the United States; or

"4. A corporation organized under the laws of the United States or of any state.

"e. For the purposes of this subdivision (5), the term "United States" includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and in the case of the Virgin Islands, after December 31 of the year in which the U. S. Secretary of Labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

"(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

"(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

"(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

"a. The service is localized in this state; or

"b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state;

"c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transitory in nature or consists of isolated transactions;

"d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph e of subdivision (5) of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in Section 25-4-14, and the place from which such service is directed or controlled is in this state.

"(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

"(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of Section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

"(b) The term "employment" shall not include:

"(1) Except as provided in paragraph a of subdivision (4) of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1977, if such service was performed:

"a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

"b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

"d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one half of the commodity with

respect to which service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

"e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

"As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

"(2) Prior to January 1, 1978, domestic services in a private home, local college club, or local chapter of a college fraternity or sorority and after December 31, 1977, if the provisions of paragraph b of subdivision (4) of subsection (a) of this section are not met.

"(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50.00 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

"a. On each of some 24 days during such quarter such individual performs such service for some portion of the day; or

"b. Such individual was regularly employed (as determined under paragraph a of this subdivision) by such employing unit in the performance of such service during the preceding calendar quarter.

"(4) Service performed by an individual in the employ of his or her son, daughter or spouse, and service performed by an individual under the age of 21 in the employ of his or her father or mother.

"(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

"(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of

any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by Section 3301 of the Federal Internal Revenue Code.

"(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by Congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units; provided, however, if this state should not be certified by the Secretary of Labor under Section 3304(c) of the Federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of Article 3 of this chapter and shall be refunded by the director from the fund in accordance with the provisions of Section 25-4-137.

"(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

"(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of Congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of Congress; provided, however, that the director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of Congress, which agreements shall become effective 10 days after publication thereof in the manner provided in Section 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of Congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of Congress, acquired rights to benefits under this chapter.

"(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

"(11) Service performed, in the employ of a school, college or university, if such service is performed:

"a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

"b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

"1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university; and

"2. Such employment will not be covered by any program of unemployment insurance.

"(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

"(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

"(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

"(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express statutory provisions of Section 3306 of the Federal Internal Revenue Code as amended.

"(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

"(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except:

"a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes; and

"b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

"(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

"(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

"a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

"b. The director finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

"(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the Federal Internal Revenue Code (other than organizations described in Section 401(a)) or under Section 521 of such Code, if the remuneration for such service is less than \$50.00.

"(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

"a. In the employ of:

"1. A church or convention or association of churches; or

"2. An organization that is operated primarily for religious purposes and which is either operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

"b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by such order; or

"c. Except as provided in subdivision (7) of subsection (a) of Section 25-4-8:

"1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

"2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph b of subdivision (2) of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

"(i) As an elected official;

"(ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;

"(iii) As a member of the State National Guard or Air National Guard;

"(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

"(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

"d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

"e. As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

"f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

"(22) Services performed by an individual as a qualified real estate agent. For the purposes of this chapter the term "qualified real estate agent" shall mean an individual who is a sales person if:

"a. Such individual is a licensed real estate agent; and

"b. Substantially all of the remuneration for services performed as a real estate agent (whether or not paid in cash) is directly related to sales or other output (including the performance of services), rather than the number of hours worked, and

"c. The services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

"(23) Services performed by an individual as a direct seller. For the purposes of this chapter the term "direct seller" shall mean any individual who:

"a. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a:

"1. Buy-sell basis, or

"2. Deposit-commission basis, or

"3. Any similar basis which the U.S. Secretary of the Treasury prescribes by regulations, for resale (by the buyer or any other individual), in the home or otherwise than in a permanent retail establishment; or

"b. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to a consumer in the home or otherwise than in a permanent retail establishment, and

"c. Substantially all of the remuneration for the services performed by such individual as a direct seller (whether or not paid in cash) is directly related to sales or output (including the performance of services) rather than to the number of hours worked, and

"d. The services performed by such individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

"(24) Services performed by an individual as a product demonstrator. For the purposes of this chapter, the term "product demonstrator" shall mean any individual who satisfies both of the following requirements:

"a. Is engaged in the trade or business of demonstrating, exhibiting, or soliciting the purchase of food, food-related products offered for sale, or other consumer products offered for sale to any buyer on the premises of a grocery store, dry good store, or similar retail establishment, or trade show;



"b. Who performs those services pursuant to a written contract between the individual and a person whose principal business is providing demonstrators to third parties for such purposes and the contract provides that the individual will not be treated as an employee with respect to the services for federal tax purposes.

"(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

"(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(2) Is legally authorized in this state to provide a program of education beyond high school;

"(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

"(d) For the purposes of this chapter the term "educational institution" means an educational institution (including an institution of higher education as defined in subsection (c) of this section) in which:

"(1) Participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

"(2) It is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

"(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby-sitting or day care services although some learning activities may be included.

"In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

"(e) "Hospital" means an institution which has been licensed, certified or approved by the State Board of Health or the State Department of Mental Health and Mental Retardation as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

"(f) If the services performed during one half or more of any pay period by an employee for the employing unit employing him or her constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one half of any such pay period by an employee for the employing unit employing him or her do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing the employee.

"§25-5-50.

"(a) This article and Article 2 of this chapter shall not be construed or held to apply to an employer of a domestic employee; an employer of a farm laborer; an employer of a person whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession, or occupation of the employer; an employer who regularly employs less than five employees in any one business, or a municipality having a population of less than 2,000 according to the most recent federal decennial census. An employer who regularly employs less than five employees in any one business; a farm-labor employer; an employer of a domestic employee; or a municipality having a population of less than 2,000 according to the most recent federal decennial census, may accept and become subject to this article and Article 4 of this chapter by filing written notice thereof with the Department of Industrial Relations, a copy thereof to be posted at the place of business of the employer; provided further, that an employer who has so elected to accept this article and Article 4 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal. Notwithstanding the foregoing, an employer electing not to accept coverage under this article and Article 4 of this chapter shall notify in writing each employee of the withdrawal of coverage. Additionally, the employer shall post a notice in a conspicuous place notifying all employees and applicants for employment that workers' compensation insurance coverage is not available.

"(b) Notwithstanding subsection (a), an officer of a corporation may elect annually to be exempt from coverage by filing written certification of the election with the department and the employer's insurance carrier.

"At the end of any calendar year, a corporate officer who has been exempted, by proper certification from coverage, may revoke the exemption and thereby accept coverage by filing written certification of his or her election to be covered with the department and the employer's insurance carrier.

"The certification for exemption or reinstatement of coverage shall become effective on the first day of the calendar month following the filing of the certification of exemption or reinstatement of coverage with the department.

"If the corporate officer elects to be exempt from coverage, the election shall not relieve the employer from continuing coverage for all other eligible employees who may have been covered prior to the election or who may subsequently be employed by the firm.

"(c) This section shall not be construed to mandate any school board to provide coverage until sufficient funds are appropriated from the special educational trust fund to implement the provisions. Nothing contained herein shall prohibit any school board that voluntarily elects to provide such coverage from doing so with local or other available funds.

"(d) This section shall provide for voluntary coverage of certified volunteer fire departments as described in Section 9-3-17 and legally organized rescue squads that meet the minimum personnel and equipment standards as established by the Alabama Association of Rescue Squads, that are engaged in fighting a fire or performing other duties involving any emergency incident and while performing any official supervised duties of the organization, including maintaining equipment and attending official training classes, and while traveling to and from an emergency incident.

"(e) In all cases where an injury that is compensable under the terms of the Alabama workers' compensation law is received by a volunteer fire fighter or rescue squad member, the wages for purposes of computing the average weekly wage shall be equal to 66 2/3 percent of what he or she is earning at his or her regular place of employment or 66 2/3 percent of the minimum wage, whichever is greater.

"(f) State certified volunteer fire departments and legally organized rescue squads are herein granted the right to purchase workers' compensation medical or disability insurance, or both, but in no event are they required to do so.

"In no event shall the regular employer of a volunteer fire fighter or rescue squad member be liable for a compensable injury under this section.

"(g) A licensed real estate agent operating under a licensed broker shall not be considered an employee for the purposes of this chapter.

"(h) An independent contractor, as defined by the guidelines of the United States Internal Revenue Service, who regularly employs less than five employees in any one business, and who is engaged in the business of constructing or assisting on-site in the construction of single-family, detached residential dwellings, may file with the Department of Industrial Relations, Workers' Compensation Division an affidavit of exemption from workers compensation coverage which affidavit shall certify that the independent contractor desires to be exempt and to exempt his employees from being able to recover under the workers' compensation policy or self insurance of a person for whom the independent contractor will perform work as an independent contractor. This affidavit of exemption must be filed with the Alabama Department of Industrial Relations,

Workers' Compensation Division, which shall validate it. An affidavit validated under this section is binding and holds harmless from all workers' compensation benefit claims of injured employees of an independent contractor a person who contracts with an independent contractor as described above after receiving a copy of the validated affidavit and the workers' compensation insurance carrier of the person who contracts with such independent contractor. Nothing herein is intended or shall be construed as abrogating the liability of or immunizing the person who contracts with an independent contractor as described above from third party liability to an injured worker pursuant to Section 25-5-11, or pursuant to any other provisions of statutory or case law other than the workers' compensation act as described above.

"(i) Services performed by an individual as a product demonstrator. For purposes of this chapter, the term "product demonstrator" shall mean any individual who satisfies both of the following requirements:

"(1) Is engaged in the trade or business of demonstrating, exhibiting, or soliciting the purchase of food, food-related products offered for sale, or other consumer products offered for sale to any buyer on the premises of a grocery store, dry good store, or similar retail establishment, or trade show;

"(2) Who performs those services pursuant to a written contract between the individual and a person whose principal business is providing demonstrators to third parties for such purposes and the contract provides that the individual will not be treated as an employee with respect to the services for federal tax purposes."

Section 2. The provisions of this amendatory act shall have retroactive effect to January 1, 1996.

Section 3. This act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison,

Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 66. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Morrow, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-68

Nay:

Representative Page.

- 1

And the bill:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

which was previously temporarily carried over was taken up.

**AMENDMENT OFFERED**

Representative Hall (A) offered the following amendment to the bill, H. 54:

On page 3, after line 8, insert the following language:

"(c) Any payment for the leasing or maintenance, or both, of voting equipment shall be paid directly to the governmental entity which owns the equipment. Any violation of the aforementioned payment provision shall be a Class C felony."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clouse, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Maull, McAdory, McDaniel, McKee, McMillan, Melton, Morrison, Morrow, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-69

And the bill:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E),

Johnson (R), Jorgensen, Knight (A), Laird, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Newton (D), House Rules 65 and 66 were suspended in order to permit the Standing Committee on Judiciary to meet while the House is in Session.

### **SPECIAL ORDER CALENDAR RESUMED**

#### **H. 68 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 68, was temporarily carried over at the request of Representative McKee.

And the bill:

H. 32. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was taken up.

### **AMENDMENT OFFERED**

Representative McKee offered the following amendment to the bill, H. 32:

Page 3, line 6, delete the language beginning with the word "Department" through the word "Revenue"

Insert the following language before the word "who" on page 3, line 6: State Comptroller's Office

Page 3, line 10, insert a new paragraph as part of Section 2 to read as follows:

In addition to any and all other funds heretofore or hereafter appropriated, there is hereby appropriated to the department of revenue from the taxes collected pursuant to this act for the fiscal year ending September 30, 1997, the sum of \$2,000.00 as cost of collection to implement and administer the provisions of this act.

Page 5, beginning on line 3 through line 6, delete the language beginning with the word "the" through the word "law" and replace it with the following: January 1, 1997

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-74

And the bill:

H. 32. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E),



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Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-79

And the bill:

H. 30. To amend Section 35-11-210, Code of Alabama 1975, relating to mechanics' and materialmen's liens to include waste disposal services and equipment at construction sites within the statute.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yea:

Mr. Speaker, Allen, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Maull, McAdory, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-69

Nay:

Representative Seibenhener.

- 1

And the bill:

H. 67. (With Amendment): To make a supplemental appropriation from the Department of Corrections Special Revenue Fund and the Correctional Industries Revolving Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 67 on page 1, line 20 by inserting after the word "Fund" the following: "in the amount of \$1,300,000".

Further amend the bill on page 1, line 21 after the word "the" by striking "State Treasury" and inserting in lieu thereof the following: "amount of \$2,161,700".

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hill, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, McAdory, McDaniel, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-64

And the bill:

H. 67. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the amount of \$1,300,000 and the Correctional Industries Revolving Fund in the amount of \$2,161,700 to the Department of Corrections for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R),

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Jorgensen, Knight (A), Laird, McAdory, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-72

And the bill:

H. 59. To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

Nay:

Representative Payne.

- 1

And the bill:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

which was previously temporarily carried over was taken up.

**AMENDMENT OFFERED**

Representative Venable offered the following amendment to the bill, H. 3:

On page 2, line 20, delete the word "may" and insert in lieu thereof: shall

On page 2, line 21, delete the word "either" and insert in lieu thereof: both

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

And the bill:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-78

Nay:

Representatives McMillan, Mitchell, Payne, Sims and Willis.

- 5

And the bill:

H. 4. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

H. 2. (With Substitute): To make a conditional supplemental appropriation from the State General Fund to the Unified Judicial System (Administrative Office of Courts) in the sum of \$922,000 for the fiscal year ending September 30, 1996.

which was previously temporarily carried over was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

To express legislative intent; to provide for a fiscal year 1996-96 supplemental State General Fund appropriation in the amount of \$922,000 to the Unified Judicial System (Administrative Office of Courts); to amend Act 95-740, specifically the appropriation to the Alabama Agriculture Museum Board, clarifying the purposes for which the appropriation was made; and to provide for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. It is the intent of the Legislature that the Administrative Office of Courts encourage state and municipal court judges to levy fines in excess of the current mandatory minimums upon conviction of the offense of driving while under the influence of alcohol or a controlled substance, so as to protect the public health and safety by discouraging driving while under the influence. There is hereby appropriated from the State General Fund to the Unified Judicial System (Administrative Office of Courts) the sum of \$922,000 for the fiscal year ending September 30, 1996. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Unified Judicial System.

Section 2. It is the intent of the Legislature that the appropriation made in Act 95-740 passed in the 1995 Regular Session to the Alabama Agriculture Museum Board may be used for capital outlay purposes by the Board.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 82; Nays 0.

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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Willis and Wren.

-82

And the bill:

H. 2. To express legislative intent; to provide for a fiscal year 1996-96 supplemental State General Fund appropriation in the amount of \$922,000 to the Unified Judicial System (Administrative Office of Courts); to amend Act 95-740, specifically the appropriation to the Alabama Agriculture Museum Board, clarifying the purposes for which the appropriation was made; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Willis and Wren.

-81

**MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Reed to suspend the rules in order to take up out of order the bill, H. 7, was lost, lacking a four-fifths vote.

Yeas 30; Nays 21.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carothers, Carter, Clouse, Ford, Graham, Hayden, Hilliard, Hinshaw, Jackson, Johnson (E), Johnson (R), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Papucci, Pringle, Reed, Robinson, Spratt and Turner.

-30

Nay:

Representatives Allen, Carns, Crigler, Dolbare, Dukes, Haney, Hawkins, Jorgensen, Laird, McDaniel, McMillan, Morrison, Murphree, Payne, Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend and Willis.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Lindsey, the rules were suspended in order to take up out of order the bill, H. 70.

And the bill:

H. 70. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.



Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sandersen, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-80

Nay:

Representative Jorgensen.

- 1

#### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Lindsey, the rules were suspended in order to take up out of order the bill, H. 71.

And the bill:

H. 71. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Seibenhener intended to vote "Yea" on passage of the bill, H. 71.

**RESOLUTIONS**

The following resolutions were introduced:

By Representatives Knight (A) and Carns:

H.J.R. 48. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 48, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Smith and Knight (A):

H.J.R. 49. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 49, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Payne and Knight (A):

H.J.R. 50. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 50, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Payne and Knight (A):

H.J.R. 51. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 51, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hawkins, Carns and Knight (A):

H.J.R. 52. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 52, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Carns:

H.R. 53. CONGRATULATING MR. AND MRS. CHARLES CARNS ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Also:

By Representatives Hawkins, Carns and Knight (A):

H.R. 54. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

By Representatives Payne and Knight (A):

H.R. 55. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

By Representatives Payne and Knight (A):

H.R. 56. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

By Representatives Smith and Knight (A):

H.R. 57. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

By Representatives Knight (A) and Carns:

H.R. 58. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

By Representative Thomas (D):

H.R. 59. COMMENDING ROBERT PAUL BARNETT, JR., FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Black (L):

H.R. 60. CONGRATULATING MATTIE DAWSON (MOORE) HALL OF LIVINGSTON, ALABAMA, ON HER 70TH BIRTHDAY.

Also:

By Representative Black (L):

H.R. 61. CONGRATULATING LILLIAN M. KENNEDY OF YORK, ALABAMA, ON THE CELEBRATION OF HER 70TH BIRTHDAY.

Also:

By Representative Turnham:

H.R. 62. HONORING MARY LYNN PORTER FOR HER YEARS OF EXEMPLARY SERVICE AS A DAY CARE DIRECTOR AND CHILD CARE ADVOCATE.

Also:

By Representative Johnson (E):

H.R. 63. MOURNING THE DEATH OF MR. JESSE BURKE, JR., OF BIRMINGHAM, ALABAMA.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

TOMMY CARTER  
Chairman

And the bill, H. 14, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 46. Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

TOMMY CARTER  
Chairman

And the bill, H. 46, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 47. Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

TOMMY CARTER  
Chairman

And the bill, H. 47, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 48. Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

TOMMY CARTER  
Chairman

And the bill, H. 48, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 44. Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

TOMMY CARTER  
Chairman

And the bill, H. 44, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

TOMMY CARTER  
Chairman

And the bill, H. 54, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 67. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the amount of \$1,300,000 and the Correctional Industries Revolving Fund in the amount of \$2,161,700 to the Department of Corrections for the fiscal year ending September 30, 1996.

TOMMY CARTER  
Chairman

And the bill, H. 67, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 69. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

TOMMY CARTER  
Chairman

And the bill, H. 69, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

TOMMY CARTER  
Chairman

And the bill, H. 3, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 2. To express legislative intent; to provide for a fiscal year 1996-96 supplemental State General Fund appropriation in the amount of \$922,000 to the Unified Judicial System (Administrative Office of Courts); to amend Act 95-740, specifically the appropriation to the Alabama Agriculture Museum Board, clarifying the purposes for which the appropriation was made; and to provide for an effective date.

TOMMY CARTER  
Chairman

And the bill, H. 2, as engrossed, was ordered sent to the Senate.



**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 32. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

TOMMY CARTER  
Chairman

And the bill, H. 32, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 66. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

TOMMY CARTER  
Chairman

And the bill, H. 66, as engrossed, was ordered sent to the Senate.

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 10:00 o'clock a.m., Thursday, January 18, 1996.

**FIFTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, January 18, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Bob McKee.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chris Woodham, 10th Grade, Northview High School, Dothan, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 3.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 14. COMMENDING MARGARET ISOM, AND HER LATE HUSBAND, L. B. ISOM, AND VARIOUS OTHER INDIVIDUALS AND BUSINESSES FOR DONATING LAND TO THE STATE OF ALABAMA, AND DECLARING LEGISLATIVE EXPECTATIONS REGARDING THE PRESERVATION OF THE LAND.**

WHEREAS, the Legislature of Alabama, in recognizing Alabamians of extraordinary contributions, most highly commends a most prominent Alabamian, Margaret Isom, and her late husband, L. B. Isom, who have generously donated 60 acres of land to the State of Alabama, which now comprises a beautiful portion of the campus of Northwest Junior College in Phil Campbell, Alabama; and

WHEREAS, demonstrating exemplary dedication to the best interests of the State of Alabama, numerous individuals and businesses have made outstanding contributions to purchase an additional 40 acres of woodlands for the campus at Northwest Junior College, Alabama's first public junior college, these benefactors are: Hubert Brown, Edward Glasgow, E. M. Martin, Lee Nix, Tom Williams, Luke Gore, W. H. Wright, Hastin Oliver, James Graham, W. B. Oliver, Neil Taylor, Jim Oliver, James A. Glasgow, S. C. Pinion, Petree Thompson, Terry Defoor, William Bonner, Fletch Edgar, W. R. Wheeler, William Graham, Ernie Thompson, Mary Hicks, Dewey Swinney, T. K. Moreland, Blanton Isom, S. P. Almond, Alabama Power Company, Kenneth Taylor, Roger Taylor, L. K. Oliver, Columbus Camp, Rice and Bragwell, Brandon Preston, Roy Reeves, Dalton Hyde, Joe Steele, Mrs. Leslie Hanson, Grady Fuller, Aaron Sartain, Mrs. James H. Weatherly, J. B. McClendon, Mrs. Emma Garner, Neil Sybley, Gordon Latham, Robert Bankston, Grover Morrow, Chat and Chew, Lee Norris, Charles Parrish, First State Bank, and North Alabama Telephone Company; and

WHEREAS, these two tracks of land on the campus of Northwest Junior College at Phil Campbell provide a natural scenic area, which the citizens of Franklin, Marion, and Winston Counties value greatly, and whose aesthetic beauty should be permanently preserved for future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES HEREOF CONCURRING, That Margaret Isom, her late husband, L. B. Isom, and the other named individuals and businesses, who have played a vital role in the acquisition of these tracts, which compose an essential and splendid portion of the campus of Northwest Junior College, are to be highly commended for the magnitude of their community service and generosity.

BE IT FURTHER RESOLVED, That in honor and appreciation of the unanimous gift of the Isoms and the other individuals and businesses, and in order to preserve and protect this area for future generations of citizens, the Legislature declares and resolves each of the following:

1. The Alabama Forestry Commission shall develop a management plan for all woodland on the campus of Northwest Junior College at Phil Campbell, with the primary intent of the plan being to preserve this land as a natural scenic area.
2. The sale or cutting of timber on this land will be permitted only if recommended, pursuant to the management plan, by the Alabama Forestry Commission Forester assigned to Franklin County.
3. If the harvesting of trees on this land is authorized, the trees selected for harvesting, and all harvesting practices including, but not limited to, the equipment used, shall be approved by the Alabama Forestry Commission Forester assigned to Franklin County.
4. The most appropriate manner in which the state may honor the unselfish act of the Isoms and other enumerated individuals and businesses is to preserve this acreage in its natural form for future generations to enjoy.

BE IT FURTHER RESOLVED, That in order to express the appreciation of this legislative body for these lasting contributions, and to clearly convey our desires and expectations concerning the preservation of this pristine property, copies of this resolution shall be sent to the Alabama Forestry Commission, the Chancellor of the Department of Postsecondary Education, and the State Board of Education.

On motion of Representative Carter, the resolution, H.J.R. 14, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

#### **H.J.R. 24. CREATING AN INTERIM JOINT LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.**

WHEREAS, the President and the Congress of the United States have proposed a series of block grants and program reforms in the areas of health and social services, agriculture and economic development; and

WHEREAS, to date, many of these grants and programs have not received final approval from either the President or the Congress; and

WHEREAS, these proposed block grants and program reforms could affect a substantial number of Alabama's citizens; and

WHEREAS, the Legislature believes that there needs to be an efficient, well prepared and coordinated effort among the Legislature, the Governor and affected agencies and constituencies; and

WHEREAS, time is of the essence in bringing forth this successful effort; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of each house to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance, allocation, and the structure of service delivery associated with federal block grants and major program reforms proposed by the President and Congress. In its study of these federal proposals, the committee shall call upon affected state agencies for information related to the charge of the committee. The committee is also authorized to hear testimony from constituent groups most affected by the proposed changes in federal programs. The committee may call upon the Legislative Reference Service and the Legislative Fiscal Office to assist in the discharge of its duties.

BE IT FURTHER RESOLVED, That upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature by the twentieth legislative day of the 1997 Regular Session. Unless continued by a joint resolution, the committee shall dissolve at that time. Each member of the committee shall be entitled to his or her regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair; provided, however, members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$10,000.

On motion of Representative Carter, the resolution, H.J.R. 24, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 25. URGING THE DEPARTMENT OF HUMAN RESOURCES TO REFRAIN FROM USING ANSWERING MACHINES ON TELEPHONE CALLS PLACED TO THE DEPARTMENT BETWEEN THE HOURS OF 8 A.M. AND 5 P.M. ON A REGULAR BUSINESS DAY.**

WHEREAS, the vast majority of the clients served by the Department of Human Resources are either elderly people with a mental or physical handicap or public assistance recipients who may be lacking in formal education skills; and

WHEREAS, the telephone answering machines used by the department are programmed to be used in a manner which is too complicated and confusing for the average client of the department; and

WHEREAS, failure to successfully communicate a concern or a need often creates an additional needless hardship on a person who is already in need of public assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Department of Human Resources to refrain from using answering machines on telephone calls placed to the department between the hours of 8 a.m. and 5 p.m. on a regular business day.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the Governor, and the Director of the Department of Human Resources.

On motion of Representative Carter, the resolution, H.J.R. 25, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 26. COMMENDING MARGARET MORTON OF SYLACAUGA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama House of Representatives notes the selection of Margaret Morton of Sylacauga, Alabama, as Guidance Counselor of the Year by the Alabama School Counselors Association; and

WHEREAS, Mrs. Morton, who has served as a guidance counselor at Indian Valley Elementary School since 1990, was selected for the prestigious award not only for her exceptional personal qualities, but also for her achievements in innovative programming, leadership in existing programs, and other accomplishments over the past five years of her tenure of service; and

WHEREAS, over her career, Mrs. Morton, a truly dedicated professional, has impacted the lives of countless young students through her guidance and astute leadership; she has worked diligently to develop a rapport of friendship with her students, and to capitalize on the individual strengths of each that they might achieve to their highest potential; and

WHEREAS, Mrs. Morton, who has also served as the Sylacauga City Schools System's psychometrist for two years, has previous experience as a community outreach instructor, student teacher supervisor and adjunct instructor at Livingston University, and, earlier in her career, as a learning disabilities specialist in the Tuscaloosa City and Jefferson County School systems; and

WHEREAS, in an extension of service, she served on Marsha Folsom's Task Force on Families (1994), and the Alabama Counselor Academy Task Force (1995), and was the program coordinator for the Indian Valley Drug-Free Schools program, which received national acclaim this year for its efforts; and

WHEREAS, she has also served for 11 years on the board of the Association for Retarded Citizens; has been involved in Magnolia Garden Club, Matrons Study Club and the Alabama Counseling Association, and was creator of Project H.O.P.E., and initiator of a successful mentoring program called Big Brothers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as Guidance Counselor of the Year, and in tribute to her outstanding professional achievement and service, we hereby extend highest commendation and heartiest congratulations to Margaret Morton of Sylacauga, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 26, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 27. CONGRATULATING DR. JOSEPH MORTON AS SYLACAUGA SUPERINTENDENT OF EDUCATION, AND UPON HIS OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE SYLACAUGA COMMUNITY.

WHEREAS, Dr. Joseph Morton has served with distinction as Superintendent of Education in Sylacauga, Alabama, since 1978; and

WHEREAS, after receiving his B.S. degree from Auburn University, and both his M.A. and Ph.D. from the University of Alabama, Dr. Morton taught at Jefferson County Schools, was a Graduate Research Assistant at the University of Alabama, and served as Superintendent of Education in Livingston, Alabama, before assuming his current position; and

WHEREAS, with tireless hard work and unwavering commitment, Dr. Morton has made a lasting impression during his tenure as Superintendent in Sylacauga: three of the system's five schools have been recognized by the United States Department of Education with Excellence in Education awards; the Sylacauga Schools 2000 Program has received widespread attention and praise; and, in 1988, he organized the Sylacauga Schools Foundation, one of the most successful school foundations in the state; and

WHEREAS, Dr. Morton has garnered many awards in recognition of his accomplishments, including selection as one of the top 100 school executives in North America, as Outstanding Superintendent by the Alabama PTA, and as recipient of the University of Montevallo's Outstanding Superintendent Award; and

WHEREAS, a devout and dedicated Christian, Dr. Morton is an active member of St. Jude Catholic Church, and receives constant support and encouragement from his wife, Margaret, and two sons, Josh and Matthew; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his extraordinary service as Superintendent of Sylacauga Schools, we hereby most highly commend Dr. Morton, for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 27, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 29. HONORING THE REVEREND W. D. LEWIS ON HIS DISTINGUISHED MINISTRY AS PASTOR OF LITTLE ZION BAPTIST CHURCH AND BEULAH BAPTIST CHURCH.

WHEREAS, the Reverend W. D. Lewis, Home Forkland, Alabama, is commended and praised on the occasion of his 79 years in the ministry, and it is appropriate at this time to pay tribute to his many years of dedicated and faithful service; and

WHEREAS, Reverend Lewis, who is 92 years old, gave his life to Christ in 1914, and has been an inspiration to his church family as a true symbol of strength, love, and commitment to the Lord, and, under his spiritual leadership and guidance, Little Zion and Beulah Baptist Churches have grown and flourished in all aspects of its ministry and witness; and

WHEREAS, blessed with love, warmth, affection, and friendship, Reverend Lewis has served with devotion as Dean of Mount Olive District Conference, as a member of the Board of Trustees, Selma University, and as Chairman Emeritus of the Greene County Southern Christian Leadership Conference; and

WHEREAS, Reverend W. D. Lewis, loving husband of Fannie Lewis, and the caring father of eight children, is hereby most highly commended on his fruitful ministry and devoted Christian leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding commitment and service to the gospel of Jesus Christ, this resolution of highest praise is awarded to the Reverend Lewis with sincere best wishes that he be richly blessed with continued success and good health in the future.

On motion of Representative Carter, the resolution, H.J.R. 29, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

H.J.R. 30. TO AMEND HJR 400, ACT 95-475, OF THE 1995 REGULAR SESSION TO STUDY FUTURE USES FOR FORT MCCLELLAN.

WHEREAS, the Fort McClellan military base installation in Anniston, Alabama, is currently scheduled for closure by the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Fort McClellan Joint Interim Committee is created to study and make recommendations on all facets of the potential future uses of the facilities following its closure. The committee shall provide a copy of its recommendations to each member of the Alabama Delegation of the U.S. Congress and each standing congressional committee on veterans affairs, the Calhoun County Council of Elected Leaders, the Governor, and shall file a copy with the Legislature not later than the 10th legislative day of the 1997 Regular Session, at which time it shall be dissolved.

BE IT FURTHER RESOLVED, That the committee shall be composed of four members of the House of Representatives and four members of the Senate, appointed by the respective presiding officers.

The committee shall elect a chair and vice chair at its first meeting. The committee shall meet at the call of the chair.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair. Members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

**SUBSTITUTE OFFERED**

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

CREATING FORT MCCLELLAN JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN AND REPEALING ACT NO. 95-475, H.J.R. 400, 1995 REGULAR SESSION.

WHEREAS, the Fort McClellan military base installation in Anniston, Alabama, is currently scheduled for closure by the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Fort McClellan Joint Interim Committee is created to study and make recommendations on all facets of the potential future uses of the facilities following its closure. The committee shall provide a copy of its recommendations to each member of the Alabama Delegation of the U.S. Congress and each standing congressional committee on veterans affairs, the Calhoun County Council of Elected Leaders, the Governor, and shall file a copy with the Legislature not later than the 10th legislative day of the 1997 Regular Session, at which time it shall be dissolved.

The committee shall be composed of four members of the House of Representatives and four members of the Senate, appointed by the respective presiding officers.

The committee shall elect a chair and vice chair at its first meeting. The committee shall meet at the call of the chair.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair. Members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

BE IT FURTHER RESOLVED, That Act No. 95-475, H.J.R. 400, 1995 Regular Session, is repealed.

#### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

On motion of Representative Carter, the resolution:

H.J.R. 30. CREATING FORT MCCLELLAN JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN AND REPEALING ACT NO. 95-475, H.J.R. 400, 1995 REGULAR SESSION.

as amended, was adopted and ordered engrossed.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 31. MOURNING THE DEATH OF CHARLES EDGAR HARPER OF POWDER SPRINGS, GEORGIA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the tragic and untimely death of Charles Edgar Harper, a native of Hale County, at the age of just 55 years; and

WHEREAS, Mr. Harper, who lost his life as a result of a tragic hunting accident, was an avid hunter, and the owner of a tree farm in Hale and Perry Counties; he was also a faithful member of the Mapleton Church of Christ in Mapleton, Georgia; and

WHEREAS, the death of Mr. Harper has left a void in the Powder Springs Community, and indeed in the lives of all those privileged to know him as a kind, generous and thoughtful man whose care and concern for the betterment of his community, family, and friends will long be remembered; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Charles Edgar Harper of Powder Springs, Georgia, and extend our deepest sympathy to his beloved wife, Donnie J. Harper; daughter, Mrs. Valerie McClendon; son, Darryl Harper; to his loving and devoted 75-year-old mother, Mrs. Vera Harper, who resides on the family farm; and to other family members, whose sorrow we share, and to whom a copy of this resolution shall be presented.

On motion of Representative Carter, the resolution, H.J.R. 31, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 7. MOURNING THE DEATH AND COMMEMORATING THE LIFE OF CHARLES A. BOSWELL OF BIRMINGHAM, ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 7.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 5. RECOGNIZING THE 1996 TENNESSEE RIVER FIDDLER'S CONVENTION.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 5.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 6. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 6.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 8. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON COMPUTER ACCESS TO THE ALABAMA LEGISLATURE.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 8.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 11. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW DRUGS AND BIOLOGICS.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 11.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 36. COMMENDING JEFF DANSBY AS EMERGENCY MEDICAL TECHNICIAN OF THE YEAR IN CHILTON COUNTY.**

WHEREAS, Jeff Dansby is being commended and praised in recognition of his supreme gift of service as 1995 Emergency Medical Technician of the Year in Chilton County; and

WHEREAS, Mr. Dansby was honored on December 11, 1995, at an annual event sponsored by Birmingham Regional Emergency Medical Services System (BREMSS) which brings members of the Emergency Medical Services Community in Blount, Jefferson, Shelby, St. Clair, Walker and Chilton Counties together and recognizes individuals who have made outstanding contributions to emergency medical services; and

WHEREAS, Mr. Dansby has earned the respect and admiration of the citizens of his community as a paramedic/firefighter, Assistant Chief with the Collins Chapel Volunteer Fire and Rescue Department, and as a paramedic with the Vaughan Chilton Medical Center EMS; and

WHEREAS, Jeff Dansby has brought to Chilton County an unprecedented level of efficiency, professionalism, and stability as a licensed paramedic, and member of the National Registry of EMTs, and is also certified in Advanced Cardiac Life Support, Basic Trauma Life Support, and Pediatric Advanced Life Support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that Mr. Dansby, who indeed serves as a worthy role model in his community, be recognized and honored for his outstanding achievements in emergency medical services, and that a copy of this resolution be provided as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 36, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 40. DECLARING THAT NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY OR ACT NO. 95-438, HJR 382, 1995 REGULAR SESSION, THE ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION SHALL NOT BE REQUIRED TO REPORT TO THE LEGISLATURE UNTIL THE SECOND DAY OF THE 1996 REGULAR SESSION.

WHEREAS, under the provisions of Act No. 95-438, HJR 382, 1995 Regular Session, the Advisory Committee to study the feasibility of allowing members of the Legislature to participate in a retirement plan or in an honorary membership position was required to report its findings to the Legislature by the second day of any Special Session held after October 1, 1995, and prior to the 1996 Regular Session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That notwithstanding any provision of law to the contrary or Act No. 95-438, HJR 382, 1995 Regular Session, the Advisory Committee to study the feasibility of allowing members of the Legislature to participate in a retirement plan or in an honorary membership position shall not be required to report to the Legislature until the second day of the 1996 Regular Session.

On motion of Representative Carter, the resolution, H.J.R. 40, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 12. COMMENDING THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 12.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 48. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.**

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Martha C. Knight of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Ms. Knight received her Master's of Education Degree from the University of Montevallo, B.S. degree in Elementary Education from the University of North Alabama, and has successfully developed her professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Ms. Knight is impeccably qualified to hold this honored position after devoting many years of service as a teacher in Decatur, Fairfield, Homewood, and the Shelby County Schools where she has gained praise and recognition for her innovative educational programs; she is also a member of numerous professional organizations including Delta Kappa Gamma International, Alabama Reading Association, and Centrala Reading Council; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Martha C. Knight to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Knight as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 48, was adopted.



**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 49. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.**

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Larry P. Haynes of Bessemer, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Mr. Haynes received his Ed.S., M.Ed. and B.S. degrees from the University of Montevallo, and has successfully developed his professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Mr. Haynes is impeccably qualified to hold this honored position after devoting ten years of service as a teacher at Montevallo High School where he has taught English and journalism, and began a pilot program in mass communications, which has grown from two cameras to a fully equipped studio with editing system; his innovative educational programs on his student-produced newscast MHS-TV News have been rated among the best in the state by the Alabama Scholastic Press Association for the past three years; and

WHEREAS, in sincere admiration of his many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Larry P. Haynes to the State of Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Mr. Haynes as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 49, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 50. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.**

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Genie McMillan of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Mrs. McMillan received both her Ed.S. and Master of Arts Degree from the University of Alabama in Birmingham, Bachelor of Arts Degree from the University of West Florida, Associate of Arts Degree from Pensacola Junior College, and has successfully developed her professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Mrs. McMillan is impeccably qualified to hold this honored position after devoting many years of service as a teacher at Center Point Elementary, Zukaran in Okinawa, McArthur Elementary, and Shalimar, Florida, Elementary Schools where she gained praise and recognition for her innovative educational programs; and

WHEREAS, upon Mrs. McMillan's selection as a delegate to Project Assist in Education for the Citizen Ambassador Program to serve in Latvia and Lithuania, as well as winning both "The Young Zoologist's Living Learning Environment" and "The Global Child" educational grants, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Genie McMillan to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. McMillan as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 50, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 51. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Sabine T. Goetz of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Miss Goetz received her M.A. degree from the University of Alabama at Birmingham, her B.S. degree from Birmingham-Southern College, and has successfully developed her career through deep dedication and commitment to the furtherance and support of public education; and

WHEREAS, Miss Goetz is impeccably qualified to hold this honored position after devoting many years of service as a teacher at Hewitt-Trussville Junior High School, Minor and Edgewater Junior High Schools, and during the summers as a Space Camp Level II Counselor, where she gained praise and recognition for her innovative educational programs; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Sabine T. Goetz to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Goetz as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 51, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 52. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Kay Waggoner Tipton of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Mrs. Tipton received her Master's Degree in Secondary Education from the University of Alabama, Bachelor of Science Degree from Jacksonville State University, attended Samford University, and has successfully developed her professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Mrs. Tipton is impeccably qualified to hold this honored position after devoting 25 plus years of service as a teacher at Vestavia High, Ensley High, and Fairfield High Schools; sponsoring 15 annual math tournaments each hosting 1500 students, and serving as Chairperson of Vestavia Hills High School Math Department from 1989 to present, among others; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, and winner of the prestigious White House Commission on Presidential Scholars Distinguished Teacher Award in 1994, The Mathematical Association of America Edyth May Sliffe Award in 1992, and the Proclamation by Governor Hunt of Alabama of Kay Waggoner Tipton Day on April 30, 1992, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Kay Waggoner Tipton to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Tipton as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 52, was adopted.

### **BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 36. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

H. 63. To amend Sections 40-2-40 and 40-2-41 of the Code of Alabama 1975, to provide further for the title and qualifications of the chief executive officer of the Department of Revenue.

H. 110. To amend Section 40-9B-3 of the Code of Alabama 1975, as amended by Act No. 95-321 of the 1995 Regular Session, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories which qualify for tax abatements; and to provide a retroactive effective date.

H. 111. To amend Section 1 of Act No. 95-187, H. 438 of the 1995 Regular Session codified as Section 40-18-190 of the Code of Alabama 1975, relating to a credit against Alabama income tax liability with respect to income generated by expansions of certain existing businesses, and to provide a retroactive effective date.

H. 114. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

H. 115. To exempt the Birmingham Broadway Series from the payment of all state, county, and municipal sales and use taxes.

H. 116. To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal income, license, and sales and use taxes.

H. 117. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 5. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent.

H. 118. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 107. Relating to the Town of Eva in Morgan County; authorizing the town to contract for the administration and enforcement of any tax or license levied in the town.

S. 71. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 9. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

The above bill was read a second time at length as required by the Constitution.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 42. RELATIVE TO MEETING DAYS.

Also:

H.J.R. 44. MOURNING THE DEATH OF FLOYD H. MANN OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 47. MOURNING THE DEATH OF MICHAEL ELIAS ZOGHBY OF MOBILE, ALABAMA.

McDOWELL LEE  
Secretary

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Fuller and Curry:

H. 119. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

**COMMITTEE ON WAYS AND MEANS**

By Representative Black (L) (With Notice and Proof):

H. 120. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Galliher, Page, and Ford:

H. 121. To exempt the Smeltzer Educational Center, Inc. from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

### RESOLUTIONS

The following resolution was introduced:

By Representative Johnson (E):

H.J.R. 64. MOURNING THE DEATH OF MR. JESSE BURKE, JR., OF BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 64, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Houston:

H.R. 65. COMMENDING JACQUELINE SANKEY HARVILLE, BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Guin, Millican and Letson:

H.J.R. 66. MOURNING THE DEATH OF WILLARD WILKINS.

The resolution, H.J.R. 66, was read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING****H. 108 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 108, was temporarily carried over due to absence of the sponsor.

**H. 1 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 1, was temporarily carried over due to absence of the sponsor.

**H. 13 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 13, was temporarily carried over due to absence of the sponsor.

**H. 26 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 26, was temporarily carried over due to absence of the sponsor.

**LEAVES OF ABSENCE**

At the request of Representative Sanderson, leave of absence was granted for Representative Petelos.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**BILLS ON THIRD READING RESUMED****H. 31 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 31, was temporarily carried over due to absence of the sponsor.

**H. 41 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 41, was temporarily carried over due to absence of the sponsor.



**H. 49 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 49, was temporarily carried over due to absence of the sponsor.

**H. 87 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 87, was temporarily carried over due to absence of the sponsor.

**H. 68 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 68, was temporarily carried over due to absence of the sponsor.

**H. 72 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 72, was temporarily carried over due to absence of the sponsor.

**H. 7 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 7, was temporarily carried over due to absence of the sponsor.

**H. 104 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 104, was temporarily carried over due to absence of the sponsor.

**H. 10 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 10, was temporarily carried over due to absence of the sponsor.

**H. 68 TAKEN UP**

And the bill:

H. 68. To amend Section 8-19-12, Code of Alabama 1975, the Deceptive Trade Practices Act, to provide for enhanced criminal penalties upon subsequent violations of the act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, White and Willis.

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## RESOLUTION

The following resolution was introduced:

By Representative Turner:

H.J.R. 67. CONGRATULATING ABB CARROLL COLE ON HIS 100TH BIRTHDAY.

The resolution, H.J.R. 67, was read and referred to the Standing Committee on Rules.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed resolution with the original resolution and finds same correctly engrossed, to-wit:

H.J.R. 30. CREATING FORT MCCLELLAN JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN AND REPEALING ACT NO. 95-475, H.J.R. 400, 1995 REGULAR SESSION.

TOMMY CARTER  
Chairman

And the resolution, H.J.R. 30, as engrossed, was ordered sent to the Senate.

### **RESOLUTIONS**

The following resolution was introduced:

By Representative Morrow:

H.R. 68. COMMENDING MARGARET ISOM, AND HER LATE HUSBAND, L. B. ISOM, AND VARIOUS OTHER INDIVIDUALS AND BUSINESSES FOR DONATING LAND TO THE STATE OF ALABAMA, AND DECLARING LEGISLATIVE EXPECTATIONS REGARDING THE PRESERVATION OF THE LAND.

The resolution, H.R. 68, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Layson, Allen and Parker (T):

H.R. 69. MOURNING THE DEATH OF DAN THOMPSON OF WEST BLOCTON, ALABAMA.

### **BILLS ON THIRD READING RESUMED**

And the bill:

H. 7. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing

Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

which was previously temporarily carried over was taken up.

### AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 7:

Amend House Bill 7 on page 7, line 11 after the word "desirable" by adding the following: ", however in no event shall the racing commission be authorized to allow live greyhound racing and/or televised horse or greyhound racing and pari-mutuel wagering thereon to be conducted on Sunday"

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Burke, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Kennedy, Knight (J), Layson, Maull, McAdory, McClammy, Mitchell, Moore, Morrow, Morton, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

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And the bill:

H. 7. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-

track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 36; Nays 18.

Yea:

Representatives Baker, Black (L), Burke, Buskey, Carothers, Carter, Clouse, Dean, Flowers, Galliher, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hooper, Houston, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Mitchell, Morrow, Page, Papucci, Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Turner and White.

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Nay:

Representatives Allen, Carns, Collins, Crigler, Dolbare, Guin, Haney, Hawkins, Hill, Laird, Layson, McDaniel, Payne, Sanderford, Seibenhener, Thomas (D), Townsend and Turnham.

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And the bill:

H. 108. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Knight (A), Laird, Layson, Maull, McAdory, McClammy, Melton, Morton, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

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And the bill:

H. 26. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Sports Festival, Inc., prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Buskey, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Mitchell, Moore, Morrow, Morton, Murphree, Page, Papucci, Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, White and Willis.

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And the bill:

H. 31. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Carns, Clouse, Collins, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Layson, Maull, McAdory, McKee, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 39. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

was taken up.

**MOTION TO CARRY OVER TABLED**

On motion of Representative Gipson, the motion offered by Representative Laird to carry over the bill, H. 39, to the twelfth legislative day was tabled.

Yeas 30; Nays 21.

Yea:

Mr. Speaker, Box, Carothers, Carter, Clouse, Curry, Dean, Flowers, Ford, Gaines, Gaston, Guin, Hall (L), Hamilton, Hawkins, Hooper, Johnson (R), McAdory, McDaniel, Moore, Papucci, Petelos, Pringle, Sanderford, Sanderson, Smith, Thomas (D), Townsend, Turnham and White.

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Nay:

Representatives Carns, Dolbare, Gipson, Hall (A), Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Knight (A), Laird, Layson, Maull, McClammy, Morrison, Newton (C), Payne, Rogers (M), Spratt and Vance.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**RESOLUTIONS**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kennedy, Buskey, Clark (W) and Mitchell:

H.R. 70. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Kennedy, Buskey, Clark (W), Mitchell, Gaston, Pringle, Crigler, Box, Dean, Turner and Newton (D):

H.J.R. 71. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

The resolution, H.J.R. 71, was read and referred to the Standing Committee on Rules.

**H. 39 RESUMED**

The question was then on the passage of the bill, H. 39.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Butler:

S. 2. To provide that full-time executive officers and employees of the Tennessee Valley Rehabilitation Center, Inc., may elect to become members of the Teachers' Retirement System; to provide that the center and employees of the center shall assume all administrative and contributory costs of membership and that no cost shall devolve upon the state and to provide for purchase of previous service credit in the system.

McDOWELL LEE  
Secretary



**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 2.                      Ways and Means.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 18. To provide further for emergency telephone service; to amend Section 11-98-5, Code of Alabama 1975, relating to emergency telephone service charges to clarify its original intent; and to provide for a retroactive effective date.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 18.                      Commerce, Transportation and Utilities.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 4. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 4, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 4.                   Local Legislation No. 5.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dixon (With Notice and Proof):

S. 27. To amend Section 4 of Act No. 756, S. 861, 1975 Special Session (Acts 1975, p. 1536), to reopen the Employees' Retirement System of the City of Montgomery for purchase of credit in the system for certain prior service with the state.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 27, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 27.                   Local Legislation No. 5.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey (With Notice and Proof):

S. 33. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 33, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 33. Local Legislation No. 1.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 34. To make a supplemental appropriation to the Department of Insurance in the amount of \$450,000 from the State General Fund for the fiscal year ending September 30, 1996, for continuing education purposes.

McDOWELL LEE  
Secretary

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 34. Ways and Means.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 7. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

TOMMY CARTER  
Chairman

And the bill, H. 7, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Sanders:

S.J.R. 13. TO COMMEND THE EXXON CORPORATION FOR ITS CONTRIBUTION OF THE ENERGY CUBE TO SCIENCE EDUCATION AND THE ADVANCEMENT OF KNOWLEDGE OF YOUTH OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Langford and Dixon:

S.J.R. 15. COMMENDING HENRY CLIFFORD MOORE FOR SELFLESS SERVICE TO OTHERS.

Also:

By Senators Langford and Dixon:

S.J.R. 16. COMMENDING MISS EMMA ALEXANDER MANNING, MONTGOMERY, ALABAMA, ON THE OCCASION ON HER 90TH BIRTHDAY.

Also:

By Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 17. MOURNING THE DEATH OF FLOYD H. MANN OF MONTGOMERY, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Little, Barron, Amari, Mitchell, Dial, Waggoner, Adams, Bedford, Ghee, Windom, McClain, Smitherman, Clay, Langford, Dixon, Lipscomb, Smith, Biddle, Denton, Hale, Figures, Armistead, Bailey, Butler, Davidson, Escott-Russell, Freeman, Hill, Lindsey, Mitchem, Myers, Poole, Roberts, Sanders, and Steele:

S.J.R. 18. MOURNING THE DEATH OF GARLAND WASHINGTON "JEFF" BEARD.

Also:

By Senator Denton:

S.J.R. 20. NAMING THE "D. MITCHELL SELF MEMORIAL DRIVE" IN MUSCLE SHOALS, ALABAMA.

Also:

By Senator Denton:

S.J.R. 21. COMMENDING FREDERICK PAINTER JEFFREY OF NORTH AMHERST, MASSACHUSETTS, FOR DEDICATED SERVICE TO THE POULTRY INDUSTRY.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 18, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 20, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 21, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

**S.J.R. 22. CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMITTEE.**

WHEREAS, the Legislature recognizes the enormous importance of higher education to the citizens of this state; and

WHEREAS, the Legislature recognizes that there are exemplary programs and services provided by institutions of higher education; and

WHEREAS, the Legislature supports initiatives by institutions of higher education to continue its efforts to provide quality and educational efficiencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a Higher Education Funding Advisory Committee to develop a new funding approach for higher education that is performance-based and uses other incentive funding approaches. The committee shall consist of 11 members composed as follows: two representatives of the state's regional universities, three representatives of the state's two-year colleges (one of whom shall be Black), one representative from each of the following institutions: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, Alabama A & M University, and the Alabama Commission on Higher Education.

The members of the Higher Education Funding Advisory Committee shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the committee. The State Board of Education shall select the representatives of the state's two-year colleges on the committee. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State University, and Alabama A & M University shall each select the representatives of their respective institutions on the committee. The Alabama Commission on Higher Education shall select its representative on the committee. It is the intent of the Legislature that women be represented on the committee.

BE IT FURTHER RESOLVED, That the committee works with the Legislative Joint Fiscal Committee and the Governor in this endeavor and that a report on the progress of the program shall be presented to the Legislature by May 1, 1996, with October 1, 1998, being the target date by which the Legislature, if it chooses, could begin to use the funding approach.

McDOWELL LEE  
Secretary

### **SENATE MESSAGE**

The resolution, S.J.R. 22, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### **ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 4:00 o'clock p.m., Tuesday, January 23, 1996.



**SIXTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, January 23, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Kenny Hoomes, Assistant Pastor, First Baptist Church of Prattville.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Joey Thompson, 10th Grade, Elkmont High School, Elkmont, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with.

**LEAVES OF ABSENCE**

At the request of Representative Dean, leave of absence was granted for Representative Gaston.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 42. RELATIVE TO MEETING DAYS

Also:

H.J.R. 44. MOURNING THE DEATH OF FLOYD H. MANN OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 47. MOURNING THE DEATH OF MICHAEL ELIAS ZOGHBY OF MOBILE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **RESOLUTION**

The following resolution was introduced:

By Representative Hammett:

H.J.R. 72. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, January 23, 1996, they adjourn to meet again on Thursday, January 25, 1996, and when they adjourn on Thursday, January 25, 1996, they adjourn to meet again on Monday, January 29, 1996, and when they adjourn on Monday, January 29, 1996, they adjourn to meet again on Tuesday, January 30, 1996, and when they adjourn on Tuesday, January 30, 1996, they adjourn to meet again on Wednesday, January 31, 1996, and when they adjourn on Wednesday, January 31, 1996, they adjourn to meet again on Thursday, February 1, 1996, and when they adjourn on Thursday, February 1, 1996, they adjourn to meet again on Friday, February 2, 1996, and when they adjourn on Friday, February 2, 1996, they adjourn sine die.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 72, was adopted.

### **MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, January 25, 1996, and the motion was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 9. URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Board of Pardons and Paroles to develop a pledge that a prisoner must sign as a condition of parole, and that the pledge contain the following language: "I will support all my children as required by Alabama law. I will make all child support payments on time. I will pay any past due child support to the best of my ability. I know that I will be returned to prison for any failure to pay child support while on parole and that a violation would result in the revocation of my parole."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to the Board of Pardons and Paroles.

RESOLVED FURTHER, That we urge the aforementioned pledge be used as a condition for parole and that a violation thereof would result in the revocation of parole.

On motion of Representative Carter, the resolution, H.J.R. 9, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 64. MOURNING THE DEATH OF MR. JESSE BURKE, JR., OF BIRMINGHAM, ALABAMA.

WHEREAS, on January 13, 1996, the Lord called home his faithful and obedient servant, Mr. Jesse Burke, Jr., of Birmingham, Alabama, at the age of 70 years; and

WHEREAS, Mr. Burke was retired from Birmingham Southern Railroad Company after 39 years of service, and a loyal and faithful friend and employee of Earnest Johnson Funeral Home in Birmingham; and

WHEREAS, throughout his lifetime, Jesse Burke exhibited, both by word and deed, a consuming interest in the happiness and well-being of others, as was demonstrated by his efforts on their behalf, and so clearly revealed in his devotion to the needs of his family, neighbors and friends, and countless others whose lives he touched in genuine care and concern; and

WHEREAS, it also was expressed through his dedicated works on behalf of his church, Saint Luke Missionary Baptist, where he was a lifelong member and served as a member of the #2 Usher Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Mr. Jesse Burke, Jr., of Birmingham, Alabama, and extend our deepest heartfelt sympathy to his loving and devoted wife, Mrs. Mary Burke; son, Mr. Xavier Burke; daughters, Mrs. Paulette Banks and Mrs. Bobbie J. Cowan; and to other close family members and friends, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 64, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

##### **H.J.R. 66. MOURNING THE DEATH OF WILLARD WILKINS.**

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the untimely death of Willard Wilkins of Winston County on December 24, 1995, at the age of 61 years; and

WHEREAS, Mr. Wilkins, who lost his life following complications after open heart surgery at Baptist Medical Center Princeton in Birmingham, was a much-loved and respected member of District 1, Winston County, and was elected Commissioner in November 1994, serving as a man of vision who always had the best interests of his community in mind, and who always kept himself available and accessible to the people he served; and

WHEREAS, Willard Wilkins' memory will be cherished by his loving wife, Vergie; one son, Dewayne; three daughters, Gail Tyree, Denise Morgan, and Judy Willingham; 10 grandchildren; two great grandchildren; and two brothers, Ottis and Fred Wilkins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest regret in the death of Mr. Wilkins, and extend our most heartfelt sympathy to his bereaved family, for whom a copy of this resolution shall be provided with our sincere condolence.

On motion of Representative Carter, the resolution, H.J.R. 66, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 67. CONGRATULATING ABB CARROLL COLE ON HIS 100TH BIRTHDAY.**

WHEREAS, the Alabama Legislature is pleased to recognize The Reverend Abb Carroll Cole, a native of Citronelle, Alabama, Charity Chapel Community, on the occasion of his 100th birthday, and pay tribute to his 73 years of dedicated and faithful service to the Lord Jesus Christ; and

WHEREAS, Reverend Cole marked a milestone in his life on November 28, 1995, with the celebration of his birthday, and upon this auspicious occasion, he is deserving of special recognition and heartiest congratulations of the citizens of the state; and

WHEREAS, Reverend Cole, who is pastor of Jesus Name Holiness Church, Charity Chapel, Alabama, is an humble servant of God and leader of his people, and served his country with honor in World War I; and

WHEREAS, indeed, as a dedicated minister of the Gospel, The Reverend Abb Carroll Cole has remained faithful to his call, working tirelessly toward the growth, progress and expansion of the church and its ministries, and leading his flock in spiritual growth toward an even brighter spiritual life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of his 100th birthday, and his many years of faithful religious service, highest commendation is hereby accorded Reverend Cole, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 67, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.R. 68. COMMENDING MARGARET ISOM, AND HER LATE HUSBAND, L. B. ISOM, AND VARIOUS OTHER INDIVIDUALS AND BUSINESSES FOR DONATING LAND TO THE STATE OF ALABAMA, AND DECLARING LEGISLATIVE EXPECTATIONS REGARDING THE PRESERVATION OF THE LAND.**

WHEREAS, the Alabama House of Representatives, in recognizing Alabamians of extraordinary contributions, most highly commends a most prominent Alabamian, Margaret Isom, and her late husband, L. B. Isom, who have generously donated 60 acres of land to the State of Alabama, which now comprises a beautiful portion of the campus of Northwest Junior College in Phil Campbell, Alabama; and

WHEREAS, demonstrating exemplary dedication to the best interests of the State of Alabama, numerous individuals and businesses have made outstanding contributions to purchase an additional 40 acres of woodlands for the campus at Northwest Junior College, Alabama's first public junior college, these benefactors are: Hubert Brown, Edward Glasgow, E. M. Martin, Lee Nix, Tom Williams, Luke Gore, W. H. Wright, Hastin Oliver, James Graham, W. B. Oliver, Neil Taylor, Jim Oliver, James A. Glasgow, S. C. Pinion, Petree Thompson, Terry Defoor, William Bonner, Fletch Edgar, W. R. Wheeler, William Graham, Ernie Thompson, Mary Hicks, Dewey Swinney, T. K. Moreland, Blanton Isom, S. P. Almond, Alabama Power Company, Kenneth Taylor, Roger Taylor, L. K. Oliver, Columbus Camp, Rice and Bragwell, Brandon Preston, Roy Reeves, Dalton Hyde, Joe Steele, Mrs. Leslie Hanson, Grady Fuller, Aaron Sartain, Mrs. James H. Weatherly, J. B. McClendon, Mrs. Emma Garner, Neil Sybley, Gordon Latham, Robert Bankston, Grover Morrow, Chat and Chew, Lee Norris, Charles Parrish, First State Bank, and North Alabama Telephone Company; and

WHEREAS, these two tracks of land on the campus of Northwest Junior College at Phil Campbell provide a natural scenic area, which the citizens of Franklin, Marion, and Winston Counties value greatly, and whose aesthetic beauty should be permanently preserved for future generations; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That Margaret Isom, her late husband, L. B. Isom, and the other named individuals and businesses, who have played a vital role in the acquisition of these tracts, which compose an essential and splendid portion of the campus of Northwest Junior College, are to be highly commended for the magnitude of their community service and generosity.

BE IT FURTHER RESOLVED, That in honor and appreciation of the magnanimous gift of the Isoms and the other individuals and businesses, and in order to preserve and protect this area for future generations of citizens, the House of Representatives declares and resolves each of the following:

1. The Alabama Forestry Commission shall develop a management plan for all woodland on the campus of Northwest Junior College at Phil Campbell, with the primary intent of the plan being to preserve this land as a natural scenic area.
2. The sale or cutting of timber on this land will be permitted only if recommended, pursuant to the management plan, by the Alabama Forestry Commission Forester assigned to Franklin County.
3. If the harvesting of trees on this land is authorized, the trees selected for harvesting, and all harvesting practices including, but not limited to, the equipment used, shall be approved by the Alabama Forestry Commission Forester assigned to Franklin County.
4. The most appropriate manner in which the state may honor the unselfish act of the Isoms and other enumerated individuals and businesses is to preserve this acreage in its natural form for future generations to enjoy.

BE IT FURTHER RESOLVED, That in order to express the appreciation of this legislative body for these lasting contributions, and to clearly convey our desires and expectations concerning the preservation of this pristine property, copies of this resolution shall be sent to the Alabama Forestry Commission, the Chancellor of the Department of Postsecondary Education, and the State Board of Education.

On motion of Representative Carter, the resolution, H.R. 68, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 71. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

WHEREAS, herein noted with profound sorrow and regret is the death of Escous Blackwell Goode, M.D., on January 14, 1996, at 93 years of age; and

WHEREAS, Dr. Goode, a 93-year-old physician who spent his last moments caring for another, died shortly after attending the funeral for former Dillard University President Broadus Nathaniel Butler, and while walking arm-in-arm with Dr. Yvonne Kennedy, President of Bishop State Community College, and Representative for Mobile District 97 for the State of Alabama; and

WHEREAS, Dr. Goode began his early education at Emerson Institute, graduated from Talladega College in 1924, earned his Medical Degree from Meharry Medical College in 1928, and subsequently returned to Mobile for a long and illustrious medical career; and

WHEREAS, Dr. Goode, who began his medical profession in 1929, and retired after caring for Mobile patients for 56 years, organized and served as President of both the Gulf Coast Medical Society and Alabama Medical Association, and was often referred to as the dean of Mobile's Black medical community; he was a charter member of both the Talladega College Chapter of Omega Psi Phi Fraternity and Rho Alpha Chapter, and served as a member of the Board of Trustees of Tuskegee University, and Mobile Area Chamber of Commerce, to mention a few; and

WHEREAS, Dr. Escous B. Goode was a highly regarded member of the Mobile Community, and was the first African-American candidate to run for the Mobile County School Board in 1962, and to run for public office in the State of Alabama since 1870; he also provided invaluable leadership and support to numerous other professional and civic organizations and associations on both local and national levels, including serving on Alabama's Committee to the U.S. Commission on Civil Rights and, in 1994, was honored when city officials changed the name of Narcissa Alley to Dr. E. B. Goode Drive; and



WHEREAS, Dr. Goode's memory will be cherished by his devoted sister, Thelma Goode, and other family members who are sorely bereft in their great and sorrowful loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest regret in the death of Dr. Goode, and extend our most heartfelt sympathy to his sister, for whom a copy of this resolution shall be provided with sincere condolence.

On motion of Representative Carter, the resolution, H.J.R. 71, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 15. COMMENDING HENRY CLIFFORD MOORE FOR SELFLESS SERVICE TO OTHERS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 15.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 20. NAMING THE "D. MITCHELL SELF MEMORIAL DRIVE" IN MUSCLE SHOALS, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 20.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 21. COMMENDING FREDERICK PAINTER JEFFREY OF NORTH AMHERST, MASSACHUSETTS, FOR DEDICATED SERVICE TO THE POULTRY INDUSTRY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 21.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 18. MOURNING THE DEATH OF GARLAND WASHINGTON "JEFF" BEARD.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 18.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 17. MOURNING THE DEATH OF FLOYD H. MANN OF MONTGOMERY, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 17.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 16. COMMENDING MISS EMMA ALEXANDER MANNING, MONTGOMERY, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 16.

#### **BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 2. To provide that full-time executive officers and employees of the Tennessee Valley Rehabilitation Center, Inc., may elect to become members of the Teachers' Retirement System; to provide that the center and employees of the center shall assume all administrative and contributory costs of membership and that no cost shall devolve upon the state and to provide for purchase of previous service credit in the system.

S. 34. To make a supplemental appropriation to the Department of Insurance in the amount of \$450,000 from the State General Fund for the fiscal year ending September 30, 1996, for continuing education purposes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 119. (With Amendment): To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 120. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 7. Relating to Crenshaw County; authorizing the county commission to increase the expense allowance of its chair.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 18. To provide further for emergency telephone service; to amend Section 11-98-5, Code of Alabama 1975, relating to emergency telephone service charges to clarify its original intent; and to provide for a retroactive effective date.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 5. RECOGNIZING THE 1996 TENNESSEE RIVER FIDDLER'S CONVENTION.

Also:

S.J.R. 6. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."

Also:

S.J.R. 7. MOURNING THE DEATH AND COMMEMORATING THE LIFE OF CHARLES A. BOSWELL OF BIRMINGHAM, ALABAMA.

Also:

S.J.R. 8. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON COMPUTER ACCESS TO THE ALABAMA LEGISLATURE.

Also:

S.J.R. 11. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW DRUGS AND BIOLOGICS.

Also:

S.J.R. 12. COMMENDING THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

### **INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Rogers (J):

H. 122. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to

confer upon an authority organized under this act the power of eminent domain; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; and to provide that the provisions of this act shall be severable.

#### COMMITTEE ON LOCAL GOVERNMENT

By Representative Baker:

H. 123. To make a supplemental appropriation from the General Fund of the the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1996.

#### COMMITTEE ON WAYS AND MEANS

By Representative Mitchell:

H. 124. To amend Section 33-4-1, Code of Alabama 1975, to increase the membership of the State Pilotage Commission to include a shipping agent and a ship builder.

#### COMMITTEE ON NAVIGATION AND WATERWAYS

### RESOLUTION

The following resolution was introduced:

By Representative Knight (A):

H.J.R. 73. COMMENDING THE BIRMINGHAM POST-HERALD ON SPONSORING THE DISTINGUISHED TEACHER AWARD.

WHEREAS, highest commendation is hereby accorded the Birmingham Post-Herald on hosting the first annual Distinguished Teacher Award on January 30, 1996; and

WHEREAS, the Distinguished Teacher Award establishes a program of acknowledged eminence, and recognizes teachers who have demonstrated leadership in their profession and in community involvement, who challenge students to succeed, as well as those who have served as a worthy role model for all professionals in the educational field; and

WHEREAS, the Birmingham Post-Herald, which was established in 1950, has created an illustrious record as a strong supporter in community service projects, including the Birmingham Post-Herald Distinguished Teacher Award, and strives to recognize and honor those in the community that make a difference; and

WHEREAS, for demonstrating extraordinary community service, and for 46 years of exemplary work performance, the Birmingham Post-Herald is applauded for the fine example that it has established for fellow Alabamians, and for future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement in the State of Alabama, we hereby most highly commend the Birmingham Post-Herald, and direct that a copy of this resolution be presented for display with highest praise and honor.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 73, was adopted.

### **BILLS ON THIRD READING**

#### **H. 107 TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the bill, H. 107, was temporarily carried over due to absence of the sponsor.

And the bill:

S. 71. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

was read a third time at length and passed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Fuller, Gaines, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, McKee, Millican, Mitchell, Moore, Morton, Newton (C), Papucci, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Townsend, Venable, Willis and Wren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 9. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), McAdory, McClammy, McKee, Mitchell, Moore, Morrison, Morton, Newton (D), Papucci, Parker (P), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 107. Relating to the Town of Eva in Morgan County; authorizing the town to contract for the administration and enforcement of any tax or license levied in the town.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Allen, Burke, Carns, Clouse, Collins, Curry, Dukes, Flowers, Galliher, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), McClammy, McKee, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Petelos, Rogers (M), Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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#### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Sanderson, the rules were suspended in order to take up out of order the bill, H. 118.

And the bill:

H. 118. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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#### **CO-SPONSOR ADDED**

Representative Hooper was added as co-sponsor to the bill, H. 118.

#### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Sims, the rules were suspended in order to take up out of order the bill, H. 110.

#### **RESOLUTIONS**

The following resolutions were introduced:

By Representatives Sanderford, Haney, Papucci, Hinshaw, Hall (A) and Jorgensen:

**H.J.R. 74. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.**

The resolution, H.J.R. 74, was read and referred to the Standing Committee on Rules.

Also:

By Representative Spratt:

**H.J.R. 75. MOURNING THE DEATH OF A. G. GASTON OF BIRMINGHAM, ALABAMA.**

The resolution, H.J.R. 75, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 76. COMMENDING THE MONROE COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 76, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 77. CONGRATULATING MR. AND MRS. ANDREW MCLEOD HAYDEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, JANUARY 4, 1996.

The resolution, H.J.R. 77, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 78. COMMENDING THE DEMOPOLIS CITY BOARD OF EDUCATION.

The resolution, H.J.R. 78, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 79. COMMENDING THE LINDEN CITY BOARD OF EDUCATION.

The resolution, H.J.R. 79, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 80. COMMENDING THE MARENGO COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 80, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 81. COMMENDING THE CONECUH COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 81, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 82. COMMENDING THE THOMASVILLE CITY BOARD OF EDUCATION.

The resolution, H.J.R. 82, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 83. COMMENDING THE CLARKE COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 83, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 84. COMMENDING THE CHOCTAW COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 84, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Sanderford, Haney, Papucci, Hinshaw, Hall (A) and Jorgensen:

H.R. 85. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.

Also:

By Representative Spratt:

H.R. 86. MOURNING THE DEATH OF A. G. GASTON OF BIRMINGHAM, ALABAMA.

Also:

By Representative Knight (A):

H.R. 87. COMMENDING THE BIRMINGHAM POST-HERALD ON SPONSORING THE DISTINGUISHED TEACHER AWARD.

Also:

By Representative Crigler:

H.R. 88. COMMENDING AMANDA ESFELLER FOR HER HEROIC ACTIONS.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 24. COMMENDING CHRIS CREASY AS FIREFIGHTER OF THE YEAR.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 24, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smitherman, McClain, Escott-Russell, Steele, Sanders, Langford, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom:

S.J.R. 25. MOURNING THE DEATH OF ARTHUR GEORGE GASTON OF BIRMINGHAM, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 25, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Windom, Figures, Lindsey, and Myers:

S. 10. To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 10. Navigation and Waterways.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle (With Notice and Proof):

S. 86. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 86, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 86. Local Legislation No. 1.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Hale, Lindsey, Mitchell, Davidson, Dixon, Steele, Biddle, Dial, Adams, Amari, Armistead, Mitchem, Little, Barron, Sanders, Smith, Escott-Russell, and Waggoner:

S. 85. To amend Section 1 of Act No. 94-679, H. 115, 1994 Regular Session (Acts 1994, p. 1307), to provide that District Judgeship Number 2 of Cullman County shall be appointed by the Governor to serve until the next general election after one year in office.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 85.               Ways and Means.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole:

S. 54. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 54.               State Administration.

**H. 110 TAKEN UP**

And the bill:

H. 110. To amend Section 40-9B-3 of the Code of Alabama 1975, as amended by Act No. 95-321 of the 1995 Regular Session, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories which qualify for tax abatements; and to provide a retroactive effective date.



was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 25; Nays 12.

Yea:

Mr. Speaker, Allen, Carothers, Carter, Curry, Dukes, Gipson, Haney, Hogan, Johnson (R), McKee, McMillan, Millican, Morton, Newton (C), Papucci, Payne, Petelos, Rogers (M), Sims, Spratt, Townsend, Warren, Willis and Wren.

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Nay:

Representatives Clouse, Dolbare, Fuller, Guin, Hawk, Hayden, Jackson, Knight (J), Laird, Mitchell, Parker (P) and Pringle.

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#### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### **MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Sims to suspend the rules in order to take up out of order the bill, H. 111, was lost, lacking a four-fifths vote.

Yeas 21; Nays 13.

Yea:

Mr. Speaker, Allen, Carns, Carter, Dukes, Hawkins, Houston, Johnson (R), Maull, McKee, McMillan, Millican, Morton, Papucci, Payne, Sims, Spratt, Townsend, Turnham, Willis and Wren.

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Nay:

Representatives Bandy, Clouse, Dolbare, Gipson, Hayden, Jackson, Knight (J), McClammy, Mitchell, Morrison, Parker (P), Smith and Vance.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Payne, the rules were suspended in order to take up out of order the bill, H. 5.

And the bill:

H. 5. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Baker, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dukes, Flowers, Galliher, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Laird, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morton, Newton (C), Page, Papucci, Payne, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Sims, Smith, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Fuller, the rules were suspended in order to take up out of order the bill, S. 36.

And the bill:

S. 36. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

was read a third time at length and passed.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Burke, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Flowers, the rules were suspended in order to take up out of order the bill, H. 36.

And the bill:

H. 36. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Morrison, Morrow, Morton,

Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Knight (A), the rules were suspended in order to take up out of order the bill, H. 72.

### **H. 72 INDEFINITELY POSTPONED**

On motion of Representative Knight (A), the bill:

H. 72. To grant extensions of exemptions to certain nursing home facilities pursuant to the Ten Percent Act and to define substantial progress.

was indefinitely postponed.

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Knight (A), the rules were suspended in order to permit the Standing Committees on Navigation and Waterways, Commerce, Transportation and Utilities, Local Legislation No. 4 and Local Legislation No. 2 to meet while the House is in Session.

### **BILLS ON THIRD READING RESUMED**

And the bill:

H. 39. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

was taken up.

### **AMENDMENT OFFERED**

Representative Laird offered the following amendment #1 to the bill, H. 39:

On page 6, line 24, before the comma insert thereof the following language:  
"or temporary premises permits"

On page 7, line 2, after the word "article," insert in lieu thereof the following language:

"Any temporary license issued under the authority of Section 34-29-71, Code of Alabama 1975, or any premises permit issued under the authority of Section 34-29-88, Code of Alabama 1975, which is issued on a temporary basis under the authority of this section, shall be issued on the terms and conditions as the board shall prescribe. Application procedures and issuance fees for temporary licenses or temporary premises permits shall be in the same form and in the same amounts as those for licenses or premises permits otherwise described in this article which are not temporary."

#### **AMENDMENT ADOPTED**

And the amendment #1 was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Burke, Carns, Carothers, Clouse, Collins, Dean, Dolbare, Flowers, Gaines, Galliher, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Murphree, Newton (C), Parker (P), Payne, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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#### **AMENDMENT OFFERED**

Representative Laird offered the following amendment #2 to the bill, H. 39, as amended:

On page 8, line 3, after the word "article" add: , subject to the Administrative Procedure Act

#### **AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Mauli, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, White and Willis.

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And the bill:

H. 39. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Burke, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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### **MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Perdue to suspend the rules in order to take up out of order the bill, H. 63, was lost.

Yeas 16; Nays 26.

Yea:

Representatives Bandy, Burke, Dolbare, Hayden, Hilliard, Hinshaw, Holmes, Houston, Knight (J), McAdory, McClammy, Mitchell, Morrison, Page, Rogers (J) and Spratt.

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Nay:

Mr. Speaker, Allen, Carns, Clouse, Collins, Dean, Dukes, Flowers, Guin, Haney, Hawkins, Hogan, Laird, McKee, McMillan, Papucci, Payne, Pringle, Sanderford, Sanderson, Sims, Smith, Townsend, Turnham, White and Wren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 36. To make appropriations from the General Fund in the State Treasury in the amount of \$1,500,000 for both the 1995-1996 fiscal year and the 1996-1997 fiscal year to the Legislature for capital outlay purposes for the acquisition of computer equipment and software.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hilliard:

H.R. 89. MOURNING THE DEATH OF A. G. GASTON OF BIRMINGHAM, ALABAMA.

Also:

By Representative Petelos:

H.R. 90. COMMEMORATING THE LIFE OF FATHER EMANUEL ZACHARY VASILAKIS, BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representative Petelos:

H.J.R. 91. COMMEMORATING THE LIFE OF FATHER EMANUEL ZACHARY VASILAKIS, BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 91, was read and referred to the Standing Committee on Rules.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:05 P.M. on January 23, 1996.

H.J.R. 42

H.J.R. 44

H.J.R. 47

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 10:00 o'clock a.m., Thursday, January 25, 1996.



**SEVENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, January, 24, 1996**

The House did not meet.

**EIGHTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, January 25, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Jim Carpenter, First United Methodist Church, Prattville, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Wyn Smith, 10th Grade, Elkmont High School, Elkmont, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 30. To amend Section 35-11-210, Code of Alabama 1975, relating to mechanics' and materialmen's liens to include waste disposal services and equipment at construction sites within the statute.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

Also:

H. 51. Relating to Pickens County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

Also:

H. 52. Relating to Pickens County; levying an additional fee for court costs in the Town of Gordo for law enforcement purposes.

McDOWELL LEE  
Secretary

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 29. To provide an annual supplemental salary for the Chief Magistrate of Shelby County.

Also:

H. 40. Relating to Tallapoosa County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

Also:

H. 43. Relating to Randolph County; allocating certain funds to the Sheriff of Randolph County from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

Also:

H. 45. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

Also:

H. 50. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County; and to provide for retroactive effect.

Also:

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 6. Relating to Shelby County; to provide for the assessment of additional court costs in the circuit court and district court of the county for the purpose of funding the county law library.

Also:

H. 8. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

Also:

H. 19. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

Also:

H. 20. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of

14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

McDOWELL LEE  
Secretary

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 92. MOURNING THE DEATH OF JAMES MCWILLIAMS OF  
BESSEMER, ALABAMA.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 40. DECLARING THAT NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY OR ACT NO. 95-438, HJR 382, 1995 REGULAR SESSION, THE ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION SHALL NOT BE REQUIRED TO REPORT TO THE LEGISLATURE UNTIL THE SECOND DAY OF THE 1996 REGULAR SESSION.

McDOWELL LEE  
Secretary

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 71. Relating to Marengo County; ratifying all payments made to persons employed by Marengo County in the same manner as provided to state employees pursuant to Act No. 93-612, S. 311 of the 1993 Regular Session (Acts 1993, p. 1002).

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 15. COMMENDING HENRY CLIFFORD MOORE FOR SELFLESS SERVICE TO OTHERS.

Also:

S.J.R. 16. COMMENDING MISS EMMA ALEXANDER MANNING, MONTGOMERY, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

S.J.R. 17. MOURNING THE DEATH OF FLOYD H. MANN OF MONTGOMERY, ALABAMA.

Also:

S.J.R. 18. MOURNING THE DEATH OF GARLAND WASHINGTON "JEFF" BEARD.

Also:

S.J.R. 20. NAMING THE "D. MITCHELL SELF MEMORIAL DRIVE" IN MUSCLE SHOALS, ALABAMA.

Also:

S.J.R. 21. COMMENDING FREDERICK PAINTER JEFFREY OF NORTH AMHERST, MASSACHUSETTS, FOR DEDICATED SERVICE TO THE POULTRY INDUSTRY.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 15. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

McDOWELL LEE  
Secretary

### **BILLS ON SECOND READING**

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 120. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.



Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 10. (With Substitute): To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 33. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 101. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

## RESOLUTION

The following resolution was introduced:

By Representative Johnson (R):

H.J.R. 93. COMMENDING BENJAMIN HARRIS KNIGHT ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, Benjamin Harris (Ben) Knight is retiring from Kimberly-Clark on February 1, 1996 after 30 years of dedicated service, and it is appropriate at this time to extend public recognition to him for his professional and civic activities and achievements; and

WHEREAS, Ben Knight received his B.S. and M.S. degrees from the University of Georgia, and served with honor in the U.S. Navy for four years and was a veteran of the Korean Conflict; and

WHEREAS, after working for Container Corporation of America, Mr. Knight began his career with Kimberly-Clark in 1966, and held various positions with the company in South Carolina and Georgia from 1966-1980; in 1980 he joined the company's forest products organization in Alabama, was promoted to Vice President of Forest Products in 1990, and appointed to his current position as President of U.S. Pulp and Newsprint in 1991; and

WHEREAS, his professional leadership includes membership in the Society of American Foresters, board member of the Business Council of Alabama, and board member of the Advisory Board, School of Forest Resources of Auburn University; and

WHEREAS, Mr. Knight, a Deacon and Sunday School Teacher at First Baptist Church of Childersburg, has been a long term supporter of United Way, held numerous leadership positions in the Choccolocca Council, Boy Scouts of America, and held membership in the Childersburg Planning Commission and Childersburg and Sylacauga Chambers of Commerce, among numerous other charitable and civic organizations; and

WHEREAS, Mr. Knight was awarded the 1995 Water Conservationist of the Year Award by the Alabama Wildlife Federation for his contributions to environmental efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Ben Knight on his long and distinguished professional career and civic leadership, and direct that Mr. Knight be provided a copy of this resolution as an expression of our sincere appreciation.

On motion of Representative Johnson (R), the rules were suspended and the resolution, H.J.R. 93, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 13. TO COMMEND THE EXXON CORPORATION FOR ITS CONTRIBUTION OF THE ENERGY CUBE TO SCIENCE EDUCATION AND THE ADVANCEMENT OF KNOWLEDGE OF YOUTH OF THE STATE OF ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 13.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 12. URGING THE COMMISSIONER OF INSURANCE TO WAIVE CONTINUING EDUCATION UNIT REQUIREMENTS FOR RETIRED AGENTS FOR RENEWALS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of Insurance is urged to waive continuing education unit (CEU) requirements or credit hour requirements for retired insurance agents in order for the retired agent to qualify for renewal payments for any renewal insurance business that an insurer agrees to pay the retired agent.

RESOLVED FURTHER, That a copy of this resolution be sent forthwith to the Commissioner of Insurance.

On motion of Representative Carter, the resolution, H.J.R. 12, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 74. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.**

WHEREAS, the Alabama Legislature notes the retirement of Lee Woodward from the Huntsville News which, under his leadership, has become one of the finest newspapers in the state; and

WHEREAS, Mr. Woodward was a graduate of Arab High School, received his B.A. degree from Athens College, and served his country in the United States Navy with honor during the Korean War; and

WHEREAS, Mr. Woodward began his employment as copy editor and police reporter for the Huntsville News in 1972, subsequently working as copy editor, reporter, sports writer, and assistant sports editor until he became general manager in 1977; he also held numerous other positions with the Limestone Democrat, Alabama Courier, Athens News-Courier, and The Gadsden Times, and has served as a worthy role model for all newspaper professionals; and

WHEREAS, in recognition of exemplary work performance, Mr. Woodward has won numerous Alabama Press Association and Associated Press awards for column writing and news writing and, during his editorship, received countless awards for layout and design, as well as Most Improved and three general excellence awards; and

WHEREAS, a charter member of both the Rotary Club and Huntsville Press Club, among others, Lee Woodward has indeed compiled an impressive record of career achievements and, at age 65, deserves the opportunity to enjoy some relaxation with reading and writing, along with travel and fishing with his loving wife, Gayle, two children, and four grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize Mr. Woodward upon the occasion of his retirement after many years of dedicated and responsible service to the Huntsville News and citizens of the State of Alabama, and that he be provided a copy of this resolution with sincere best wishes for continued good health and happiness in all future endeavors.

On motion of Representative Carter, the resolution, H.J.R. 74, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 75. MOURNING THE DEATH OF A. G. GASTON OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deepest sorrow and regret that the Alabama Legislature records the death of A. G. Gaston of Birmingham, Alabama, on January 19, 1996, at the age of 103 years; and

WHEREAS, A. G. Gaston was a prominent member of the Birmingham community, and a distinguished Alabamian, whose good deeds earned for him the highest admiration and respect of countless individuals whose lives were touched by his genuine love and concern; and

WHEREAS, a native of Demopolis, Alabama, he rose from poverty to build a multimillion-dollar Birmingham-based business conglomerate which began with the Booker T. Washington Insurance Company, the company he founded in 1923, and was thereafter followed by such business successes as the Smith & Gaston Funeral Home (1923), the Booker T. Washington Business College (1939), A. G. Gaston Motel (1954), Citizens Federal Savings Bank (1957), Booker T. Washington Broadcasting (1975), and A. G. Gaston Construction Company (1984), to name but a few; and

WHEREAS, throughout his lifetime, his care and concern for the good and well-being of others, and most especially for our nation's young people was demonstrated in his choice of business ventures, and through his many other generous and benevolent acts on their behalf, including, among many, his invaluable supportive role in the struggle for civil rights; the A. G. Gaston Boys and Girls Club Inc., in Birmingham and Bessemer; his no-interest loan program for minority students at Samford's Cumberland Law School; and scholarships at Miles College, the University of Alabama at Birmingham, Tuskegee University, and numerous other schools; and

WHEREAS, A. G. Gaston was indeed a kind and compassionate man whose life stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of A. G. Gaston of Birmingham, Alabama, and extend our most heartfelt sympathy to his beloved family, whose sorrow we share, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 75, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 76. COMMENDING THE MONROE COUNTY BOARD OF EDUCATION.

WHEREAS, the Monroe County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Monroe County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Monroe County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 76, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 77. CONGRATULATING MR. AND MRS. ANDREW MCLEOD HAYDEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, JANUARY 4, 1996.

WHEREAS, on January 7, 1996, family and friends gathered to celebrate the 50th Wedding Anniversary of Elizabeth Royal Hayden and Andrew McLeod Hayden, at the home of their daughter, Mrs. Jean LaMaude Barron of Uniontown; and

WHEREAS, joined in matrimony on January 4, 1946, in Opelika, Alabama, Elizabeth and Andrew Hayden have distinguished themselves as valued and respected members of their community through the years, and to all those who have witnessed their commitment to the ideals of marriage, their lasting partnership has served as a enviable example of trust and devotion, and one to be admired and emulated by others; and

WHEREAS, Elizabeth Hayden, the daughter of Mr. and Mrs. C. W. Royal, graduated from Tuskegee Institute and, until retirement, served as a home economics teacher in the Perry County School System; and

WHEREAS, Andrew Hayden, our friend and colleague in the Alabama House of Representatives, and longtime mayor of Uniontown, courted Elizabeth by mail while serving as a member of the United States Army during World War II; and

WHEREAS, the institution of marriage is one of the cornerstones upon which our society is built, and a 50th Wedding Anniversary is indeed a cause for great rejoicing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Elizabeth and Andrew McLeod Hayden be congratulated upon the occasion of their 50th Wedding Anniversary, as well as upon the character and accomplishments of their lives together, and, by copy of this resolution, conveyed best wishes for many more years of happiness together.

On motion of Representative Carter, the resolution, H.J.R. 77, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 78. COMMENDING THE DEMOPOLIS CITY BOARD OF EDUCATION.

WHEREAS, the Demopolis City Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Demopolis City Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Demopolis City Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 78, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

##### **H.J.R. 79. COMMENDING THE LINDEN CITY BOARD OF EDUCATION.**

WHEREAS, the Linden City Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Linden City Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Linden City Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 79, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:



**H.J.R. 80. COMMENDING THE MARENGO COUNTY BOARD OF EDUCATION.**

WHEREAS, the Marengo County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Marengo County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Marengo County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 80, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 81. COMMENDING THE CONECUH COUNTY BOARD OF EDUCATION.**

WHEREAS, the Conecuh County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Conecuh County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Conecuh County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 81, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 82. COMMENDING THE THOMASVILLE CITY BOARD OF EDUCATION.

WHEREAS, the Thomasville City Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Thomasville City Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Thomasville City Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 82, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 83. COMMENDING THE CLARKE COUNTY BOARD OF EDUCATION.

WHEREAS, the Clarke County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Clarke County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Clarke County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 83, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 84. COMMENDING THE CHOCTAW COUNTY BOARD OF EDUCATION.

WHEREAS, the Choctaw County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Choctaw County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Choctaw County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 84, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 91. COMMEMORATING THE LIFE OF FATHER EMANUEL ZACHARY VASILAKIS, BIRMINGHAM, ALABAMA.**

WHEREAS, the Alabama Legislature celebrates and remembers Father Emanuel Zachary Vasilakis, Dean of the Greek Orthodox Cathedral, Holy Trinity-Holy Cross Parish, Birmingham, Alabama, the seventh oldest chartered Greek Orthodox parish in the United States; and

WHEREAS, Father Vasilakis labored untiringly on behalf of his church and community and served as National Representative of the Greek Orthodox Church of America to the White House Conference on Aging in Washington, D.C., in citywide, interdenominational prayer services and conferences, and as Chaplain to the University of Alabama Hospital patients; and

WHEREAS, a founder of the Cathedral Day Care Center in downtown Birmingham, Alabama, the Birmingham Men's Firehouse Shelter, and Cathedral Agape Fund, Father Vasilakis put his faith in action by witnessing to others; and

WHEREAS, Father Vasilakis, whose parish benefitted from his enormous amount of energy, promoted Cathedral financial assistance to Birmingham Children's Hospital, Prescott House Interview Center for Abused Children, and Camp Smile-A-Mile, to mention a few, and was committed to Birmingham's downtown preservation of historic buildings, as well as activated plans for an open prayer chapel; and

WHEREAS, providing invaluable leadership and support to numerous other professional outreach ministries on both the local and national levels, Father Emanuel Zachary Vasilakis compiled an impressive record of achievements that earned him the respect of those persons who had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Father Vasilakis, and extend our most heartfelt sympathy to his loving wife, Presbytera Garnette Vasilakis, myriad of friends, and parishioners at the Greek Orthodox Cathedral, Holy Trinity-Holy Cross Parish, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 91, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 24. COMMENDING CHRIS CREASY AS FIREFIGHTER OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 24.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 25. MOURNING THE DEATH OF ARTHUR GEORGE GASTON OF BIRMINGHAM, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 25.

**RESOLUTION**

The following resolution was introduced:

By Representative Curry:

H.J.R. 94. URGING THE ADMINISTRATION OF THE UNIVERSITY OF ALABAMA TO PROHIBIT THE 5TH ANNUAL GAY BISEXUAL COLLEGE CONFERENCE FROM BEING HELD AT THE UNIVERSITY OF ALABAMA.

WHEREAS, the University of Alabama at Tuscaloosa is scheduled to host the 5th Annual Lesbian Gay Bisexual College Conference of the Southeastern United States entitled, "Voices of Diversity," on February 16-17, 1996; and

WHEREAS, the conference will "celebrate" and "create a forum" for the promotion of the homosexual lifestyle, as well as include a number of workshops on topics dealing with homosexuality and sodomy, including a workshop on "coming out" and the "drag culture,"; and

WHEREAS, the conference is being held in the University of Alabama Ferguson Student Center and is being supported by the University of Alabama student activities fees through its appropriation of \$3,500 to the University of Alabama Gay, Lesbian and Bisexual Alliance; and

WHEREAS, the University of Alabama is further subsidizing the 5th Annual Lesbian Gay Bisexual College Conference by providing participants with on-campus housing at the rate of \$11 per night at the Parker-Adams dormitory; and

WHEREAS, the Legislature of the State of Alabama enacted legislation in 1992 which states that "no public funds or public facilities shall be used by any college or university to, directly or indirectly, sanction, recognize, or support the activities or existence of any organization or group that fosters or promotes a lifestyle or actions prohibited by the sodomy and sexual misconduct laws of Sections 13A-6-63 to 13A-6-65, inclusive," (Section 16-1-28, Code of Alabama 1975); and

WHEREAS, the hosting of the 5th Annual Lesbian Gay Bisexual College Conference at the University of Alabama is in direct violation of the laws of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call on the Chancellor of the University of Alabama Systems, the President of the University of Alabama, and the trustees of the University of Alabama to take whatever actions necessary to comply with state law and prohibit the 5th Annual Lesbian Gay Bisexual College Conference from being held at the University of Alabama.

#### **MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Curry to suspend the rules and adopt the resolution, H.J.R. 94, was lost, lacking a four-fifths vote.

Yeas 55; Nays 18.

Yea:

Representatives Allen, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Buskey, Carter, Dolbare, Hall (L), Houston, Jackson, Kennedy, McAdory, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Rogers (J) and Spratt.

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The resolution, H.J.R. 94, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 59. To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Pringle, the House concurred in and adopted the Senate amendment to the bill, H. 59, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department and to provide for supplemental effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 33-1-17 of the Code of Alabama 1975, is amended to read as follows:

"§33-1-17.

"The title to all property acquired under the authority of this chapter shall vest in the state of Alabama, but the department, notwithstanding Article 3 (commencing with Section 9-15-70) of Chapter 15 of Title 9, with the consent and approval of the governor, may dispose of, sell, or lease to others, at reasonable prices and for reasonable compensation, without a competitive advertised public auction or advertised sealed bid process any of said the property, equipment, and facilities; ~~provided, that if the proceeds of all such the sales shall be~~ are returned



to the capital account. The proceeds from all leases shall become a part of the operating fund. Notwithstanding the foregoing, the Governor shall not approve any deed conveying an interest in real property without an appraisal of the fair market value of the property conveyed being submitted to the Governor along with the deed."

Section 2. The amendment to Section 33-1-17 of the Code of Alabama 1975, made in Section 1 of this act shall not repeal Act 95-280, now appearing as Article 3 (commencing with subsection 9-15-70) of Chapter 15 of Title 9, Code of Alabama 1975, but shall supplement it insofar as it relates to the sale or lease of real property by the State Docks pursuant to Section 33-1-17.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

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## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

McDOWELL LEE  
Secretary

## SENATE MESSAGE

On motion of Representative Johnson (R), the House non-concurred in the Senate amendment to the bill, H. 54, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-9-5, Code of Alabama 1975, is amended to read as follows:

## "§17-9-5.

"(a) Any county or city may, by resolution of the county commission for county elections or resolution of the municipal governing body for city elections or by a majority vote of its qualified electors voting thereon at any election held not earlier than six years after the adoption and installation of such machines, direct the discontinuance of the use of voting machines at elections held in such county or city. The If discontinuance is not approved by the county commission or the municipal governing body, the question of the discontinuance of the use of such voting machines shall be submitted to the voters, subject to the same requirements as to resolution or petition and signatures thereon as is required for the submission of the question on the authorization of the use of such voting machines. Where the qualified electors of any city and the qualified electors of the entire county containing therein such city, both have voted by separate questions in favor of the adoption of the use of voting machines, or where any county and any city within any such county, through its proper officers, in pursuance of appropriate legislation, shall have separately authorized and directed the use of voting machines, a subsequent vote by the qualified electors of the entire county in favor of discontinuance will not be considered as a vote to discontinue the use of voting machines in such city. Such question as to the discontinuance of the use of voting machines shall be submitted in the following form: "Shall the use of voting machines be continued in the (city or county) of . . . .?"

"(b) The requirements for the approval of an electronic vote counting system is governed by Chapter 24 of this title."

Section 2. The discontinuance of the use of voting machines and adoption of an electronic vote counting system by any of the procedures set forth in Section 1 is hereby validated. It is the Legislative intent of this amendatory act that approval of the change from voting machines to electronic voting under Section 17-24-3, Code of Alabama 1975, has, since the enactment of the Election Reform Act of 1983, been an effective means of changing voting systems.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren and Willis.

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#### **COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Johnson (R), Hall (A) and Black (L) on the disagreement of the two Houses on the Senate amendment to the bill, H. 54.

#### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 11. Relating to Washington County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Dolbare, the House concurred in and adopted the Senate amendment to the bill, H. 11, said Senate amendment being as follows:

On page 4, line 5, after the word "county" insert the following language: , or upon the call of the county commission. If called by the county commission, the county commission shall pay all expenses related to the special referendum.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Maull, McAdory, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Warren and Willis.

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**BILLS ON THIRD READING**

And the bill:

S. 7. Relating to Crenshaw County; authorizing the county commission to increase the expense allowance of its chair.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, McAdory, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Petelos, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Warren and Willis.

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And the bill:

H. 1. (With Substitute): Relating to motor vehicle distinctive license tags; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to provide for a reduction in the fees for the distinctive tags or plates; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama or Scottish Rites Masons; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to motor vehicle distinctive license tags or plates; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to provide for a reduction in the fees for the distinctive tags or plates; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, and supports of the Alabama Boy Scouts Stewardship Education Committed; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-302 of the Code of Alabama 1975, is amended to read as follows:

"§32-6-302.

"(a) Owners of motor vehicles who are residents of Alabama and who are receiving monthly retirement checks from the Teachers' Retirement System of Alabama, or who are receiving monthly retirement checks from an education retirement pension program from any other state, or their spouses, shall be eligible to apply for and receive "Retired Educator" commemorative or personalized license tags or plates as provided in this division. Owners of motor vehicles who

are residents of Alabama and who are currently employed by a public education school system, college, university, institution, or who are active and contributing members of the Teachers' Retirement System, or who are employed by the State Department of Education, or their spouses, shall be eligible to apply for and receive "Educator" commemorative or personalized license tags or plates as provided in this division.

"An applicant to receive a "Retired Educator" or "Educator" commemorative or personalized license tag or plate for private passenger or motor vehicles shall meet the following criteria:

"(1) Apply to the appropriate judge of probate or commissioner of licenses as the case may be.

"(2) Comply with the state motor vehicle laws, relating to registration and licensing of motor vehicles.

"(3) Pay the regular license fee for license tags or plates as provided by law for private passenger or pleasure motor vehicles.

"(4) Pay an additional annual fee of ~~twenty-five dollars (\$25)~~ fifteen dollars (\$15) for the "Retired Educator" tag or license plate and ~~fifty dollars (\$50)~~ twenty-five dollars (\$25) for the "Educator" tag or license plate.

"(5) Present documentation or certification to the appropriate judge of probate or commissioner of licenses, as the case may be, that the applicant is either receiving a monthly allotment as a retired education employee or is the spouse of a retired education employee; or, in the case of "Educator" tags or license plates, is currently employed or is the spouse of a person currently employed, in public education as provided in this section shall be prima facie proof of the eligibility of a person to receive a distinctive tag.

"(b) Upon meeting all of the criteria, the applicant shall be issued a personalized motor vehicle license tag or plate upon which, in lieu of the numbers prescribed by law, shall be inscribed special letters, figures, numbers, or other marks, emblems, symbols, or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the application by the State Department of Revenue.

"(c) The distinctive commemorative tags provided for in this division shall be issued, printed, and processed in the same manner as other personalized tags in Section 32-6-150. The distinctive commemorative tags shall be valid for five years and shall be replaced at the end of the period with conventional tags or other personalized tags. Payment of the required motor vehicle license fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in Section 32-6-63.

"(d) The Commissioner of Revenue shall approve the distinctive design of the tags or plates provided in this division, and the approval shall be subject to submission of the design by the Education Tag Advisory Committee, which committee shall be strictly voluntary and the members shall serve without pay or remuneration. The Education Tag Advisory Committee shall consist of three members who shall be appointed by the Alabama Education Association. The design of the distinctive tag shall be subject to approval of the Revenue Commissioner and shall comply with all applicable laws and regulations pertaining to car tags and licenses, except that Section 32-6-54 shall not apply to this division.

"(e) Fees collected pursuant to this division shall be transmitted timely to the State Treasurer. After payment to the Department of Corrections for its costs of manufacture and administration of the commemorative tags, the balance shall be transferred by the State Comptroller into the Penny Trust Fund established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41.

"(f) Fees paid pursuant to this division represent a charitable contribution from the purchaser to the Penny Trust Fund.

Section 2. (a) A member in good standing of the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama or Scottish Rite Masons who is the owner of a motor vehicle and a resident of the State of Alabama may be issued a masonic license tag or plate. An emergency medical technician who is the owner of a motor vehicle and a resident of the state may be issued a distinctive "emergency medical technician" license tag or plate. Owners of a motor vehicle who are supporters of the Alabama Boy Scouts Stewardship Education Committee and residents of Alabama may be issued a distinctive "Alabama Boy Scouts" license tags or plates. Members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, and supporters of the Boy Scouts Stewardship Education Committee shall make application to the judge of probate or license commissioner, comply with the motor vehicle registration and licensing laws, pay the regular fees required by law for license tags or plates for private passenger or pleasure motor vehicles, and pay an additional annual fee as follows:

(1) The fee for a masonic tag shall be twenty-five dollars (\$25), one dollar (\$1) of which shall be remitted to the State Treasurer for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41 of the Code of Alabama 1975.

(2) The fee for an emergency medical technician tag shall be twenty-five dollars (\$25) dollars.

(3) The fee for a Boy Scout tag shall be fifty dollars (\$50).

(b) The masonic tags or plates shall be designed by a committee appointed respectively by the State Master of the Most Worshipful Grand Lodge of the Free and Accepted Masons of Alabama and the Sovereign Grand Inspector General in Alabama of the Ancient and Accepted Scottish Rite of Free-Masonry, Southern Jurisdiction, USA, and the design of the masonic tags or plates shall be subject to the approval of the Commissioner of the Department of Revenue. Each committee shall consist of three members and the members shall serve without pay. The emergency medical technician tags or plates and the Alabama Boy Scout tags or plates shall be designed by the Department of Revenue with the Alabama Boy Scouts advising the department on the design of the Boy Scout tags or plates.

(c) The distinctive tags or plates shall be issued, printed, and processed like other distinctive and personalized tags and plates provided for in Chapter 6 of Title 32 of the Code of Alabama 1975. The tags or plates shall be valid for five years and may be replaced with either a conventional, personalized, or new masonic, emergency medical technician, or Boy Scout tag or plate. Payment of required license fees and taxes for the years during which a new tag or plate is not issued shall be evidenced as provided in Section 32-6-63 of the Code of Alabama 1975.

Section 3. The proceeds of the additional revenues derived from sales of the distinctive tags or plates, less administrative costs, including the cost of production of the tags, shall be distributed by the judge of probate or license commissioner as follows:

(1) Proceeds from sales of Free Mason tags or plates shall be distributed equally to the Most Worshipful Grand Lodge of the Free and Accepted Masons of Alabama and the Alabama Masonic Home in Montgomery, Alabama.

(2) Proceeds from sales of Scottish Rite Mason tags or plates shall be distributed to the Scottish Rite Foundation of Alabama, Inc.

(3) Proceeds from the sales of emergency medical technician tags or plates shall be remitted to the State Treasurer for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41 of the Code of Alabama 1975.

(4) Proceeds from sales of Boy Scout tags or plates shall be distributed monthly by the State Comptroller to the Alabama Boy Scouts Stewardship Education Committee in Anniston, Alabama, which shall be distributed to the other council members.

Section 4. The distinctive license plates or tags issued pursuant to this act shall not be transferable between motor vehicle owners, and in the event the owner of a vehicle bearing the distinctive plate or tag sells, trades, exchanges, or otherwise disposes of the motor vehicle, the plate or tag shall be retained by the owner to whom it was issued and returned to the judge of probate or license commissioner of the county, who shall receive and account for the tag or plate as provided in this section. In the event the owner acquires by purchase, trade,



exchange, or otherwise, a vehicle for which no standard plate or tag has been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner proper certification of the acquisition of the vehicle and the payment of the motor vehicle license tax due upon the vehicle, authorize the transfer and use of the distinctive license plate or tag previously purchased by the owner for the remainder of the current license period of the plate or tag. In the event the owner of the distinctive license plate or tag acquires by purchase, trade, exchange, or otherwise, a vehicle for which a standard plate or tag has been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of the owner and upon delivery to the official of the standard plate or tag previously issued for the vehicle, authorize the owner of the newly-acquired vehicle to place the distinctive license plate or tag previously purchased for the vehicle and use the plate for the remainder of the then current license period. The notice of transfer of ownership shall be made by record to the judge of probate or the license commissioner.

Any person acquiring by purchase, trade, exchange, or otherwise, any vehicle formerly bearing the distinctive plate or tag may, upon certification of the fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, purchase a standard replacement plate or tag for the vehicle which shall authorize the operation of the vehicle by the new owner for the remainder of the license period.

Section 5. Upon termination of membership with the appropriate masonic organization or employment as an emergency medical technician, a person to whom a distinctive license plate or tag was issued under this act shall, within 30 days, return the plate or tag to the judge of probate or the license commissioner of the county where the applicant resides.

Section 6. Fees paid pursuant to this act shall represent a charitable contribution from the purchaser.

#### **MOTION TO CARRY OVER OFFERED**

Representative Curry offered the motion to carry over the bill, H. 1, and the pending committee substitute to the twelfth legislative day.

#### **MOTION TO TABLE LOST**

The motion offered by Representative Morrison to table the motion offered by Representative Curry to carry over the bill, H. 1, and the pending committee substitute to the twelfth legislative day was lost.

Yeas 14; Nays 39.

Yea:

Representatives Burke, Dolbare, Dukes, Fuller, Hilliard, Hinshaw, Jackson, Laird, Millican, Minnifield, Murphree, Smith, Spratt and Thomas (J).

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Nay:

Representatives Allen, Baker, Boyd, Carns, Carothers, Clouse, Curry, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hill, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Maull, McAdory, McMillan, Moore, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Pringle, Rogers (M), Sanderson, Thomas (D), Townsend, Turner and Turnham.

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#### **H. 1 TEMPORARILY CARRIED OVER**

The question was then on the motion offered by Representative Curry to carry over the bill, H. 1, and the pending committee substitute to the twelfth legislative day, and on substitute motion of Representative Dolbare, the bill, H. 1, and the pending committee substitute were temporarily carried over.

Yeas 55; Nays 6.

Yea:

Mr. Speaker, Allen, Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Graham, Guin, Hall (L), Hamilton, Hawkins, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Laird, Maull, McAdory, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Petelos, Pringle, Sanderford, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Warren and Willis.

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Nay:

Representatives Carns, Hall (A), McMillan, Parker (P), Penry and Robinson.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Fuller, the rules were suspended in order to take up out of order the bill, H. 119.

And the bill:

H. 119. (With Amendment): To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 119 on page 2, line 7 by deleting the word "estimated".

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

And the bill:

H. 119. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Buskey, the rules were suspended in order to take up out of order the bill, S. 18.

And the bill:

S. 18. To provide further for emergency telephone service; to amend Section 11-98-5, Code of Alabama 1975, relating to emergency telephone service charges to clarify its original intent; and to provide for a retroactive effective date.

was read a third time at length and passed.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Burke, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, McAdory, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Papucci, Parker (P), Payne,

Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 14. To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 14.            Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 30. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 30. Health.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dixon (With Notice and Proof):

S. 121. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 121, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 121. Local Legislation No. 5.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dixon (With Notice and Proof):

S. 120. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 120. Local Legislation No. 5.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 26. To provide for the suspension or revocation of the hunting, fishing, or driver's license of a noncustodial parent who is five hundred dollars (\$500) and six months or more delinquent in the payment of court-ordered child support by a court having jurisdiction of a child support case.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 26. Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Lindsey:

S. 88. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 88. Ways and Means.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 28. Providing for the purchase of prior service credit in the Judicial Retirement Fund subject to certain conditions by a judge who has returned to membership in the retirement fund after previously withdrawing his or her membership contributions from the retirement fund.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 28. Ways and Means.



**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Sanders:

S. 73. To designate U. S. Highway 80 from Selma to Montgomery and Alabama Highway 14 from Selma to Marion the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 73. Local Government.

**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Carter, the rules were suspended in order to take up out of order the bill, S. 2.

And the bill:

S. 2. To provide that full-time executive officers and employees of the Tennessee Valley Rehabilitation Center, Inc., may elect to become members of the Teachers' Retirement System; to provide that the center and employees of the center shall assume all administrative and contributory costs of membership and that no cost shall devolve upon the state and to provide for purchase of previous service credit in the system.

was read a third time at length and passed.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Curry, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Laird, McAdory, McDaniel, McKee, McMillan, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Townsend, Vance, Willis and Wren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Dukes intended to vote "Yea" on passage of the bill, S. 2.

### **RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 95. CONGRATULATING EDDIE AND GERTRUDE CARTER UPON  
CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

### **MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 4:00 o'clock p.m. on Tuesday, January 30, 1996, and the motion was adopted.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 27. MOURNING THE DEATH OF ANDREW JACKSON GENTRY, JR., OF AUBURN, ALABAMA.

Also:

By Senator Little:

S.J.R. 28. MOURNING THE DEATH OF WILLIE R. MOSES OF OPELIKA, ALABAMA.

Also:

By Senators Davidson, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 29. MOURNING THE DEATH OF DR. BENJAMIN M. CARRAWAY OF BIRMINGHAM, ALABAMA.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 28, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 29, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 32. MOURNING THE DEATH OF C. M. HOLDER OF FAYETTE, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 32, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Butler:

S.J.R. 34. DESIGNATING THE ALABAMA AIR FAIR AS THE OFFICIAL AIR SHOW OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 34, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 96. CONGRATULATING SERGEANT JOHNNY CONRAD FOWLER UPON HIS RETIREMENT FROM THE STATE TROOPERS.

Also:

By Representative Hall (A):

H.R. 97. COMMENDING BRANDON CLEMONS OF HAZEL GREEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENTS.

Also:

By Representative McAdory:

H.R. 98. MOURNING THE DEATH OF JAMES MCWILLIAMS OF BESSEMER, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Hall (L):

H.J.R. 99. CONGRATULATING EDDIE AND GERTRUDE CARTER UPON CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

The resolution, H.J.R. 99, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 100. EXPRESSING THE INTENT OF THE LEGISLATURE THAT ALABAMA BE WITHDRAWN FROM PROGRAMS FUNDED UNDER THE GOALS 2000/EDUCATE AMERICA ACT AND URGING THE STATE BOARD OF EDUCATION TO SUPPORT SUCH ACTION TAKEN BY GOVERNOR JAMES.

The resolution, H.J.R. 100, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 59. To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department and to provide for supplemental effect.

And finds same correctly enrolled.

**TOMMY CARTER**  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 39. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical

Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

TOMMY CARTER  
Chairman

And the bill, H. 39, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 6. Relating to Shelby County; to provide for the assessment of additional court costs in the circuit court and district court of the county for the purpose of funding the county law library.

Also:

H. 8. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

Also:

H. 15. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

Also:

H. 19. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the

corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.

Also:

H. 20. To authorize the county commission of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama) the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.45 on each one hundred dollars (14.5 mills on each dollar) of assessed value; provided, that said increase be effected over a three-year period, with a levy at the rate of 9 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1996, at the rate of 12 mills for the tax year for which the Special Tax becomes due and payable on October 1, 1997, and at the rate of 14.5 mills for each tax year beginning with the tax year for which the Special Tax becomes due and payable on October 1, 1998, and ending with the tax year for which the Special Tax becomes due and payable on October 1, 2016; and provided, further, that all proceeds referable to the levy of the Special Tax at such increased rates (over the former rate of 4 mills) shall be used exclusively for public school capital outlay purposes, including the payment of principal of and interest on indebtedness issued and sold for public school capital outlay purposes.



Also:

H. 29. To provide an annual supplemental salary for the Chief Magistrate of Shelby County.

Also:

H. 30. To amend Section 35-11-210, Code of Alabama 1975, relating to mechanics' and materialmen's liens to include waste disposal services and equipment at construction sites within the statute.

Also:

H. 40. Relating to Tallapoosa County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

Also:

H. 43. Relating to Randolph County; allocating certain funds to the Sheriff of Randolph County from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

Also:

H. 45. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

Also:

H. 50. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County; and to provide for retroactive effect.

Also:

H. 51. Relating to Pickens County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

Also:

H. 52. Relating to Pickens County; levying an additional fee for court costs in the Town of Gordo for law enforcement purposes.

Also:

H. 14. Relating to Escambia County; providing further for a one-stop tag purchase for the assessment and collection of ad valorem taxes and sales taxes on motor vehicles, motor vehicle titles, and non-motorized vehicles; transferring certain duties and responsibilities of the Judge of Probate and the Tax Assessor to the Tax Collector; requiring an additional bond of the Tax Collector; and providing for the deposit of fees and commissions in the general fund of the county.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 3. Relating to toll roads and toll bridges; to amend Section 23-1-81, Code of Alabama 1975, to allow county commissions to grant licenses to establish or to operate toll bridges, and to amend Section 37-4-1, Code of Alabama 1975, to remove toll bridges from the definition of utilities.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 65. To propose an amendment to the Constitution of Alabama of 1901, relating to Randolph County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Randolph County Volunteer Fire Department Association and Rescue Squad; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 4:00 o'clock p.m., Tuesday, January 30, 1996.

**NINTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, January 30, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend James Milliner, Mt. Siani Baptist Church, Mt. Siani Community in Autauga County.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chip Brown, Legislative Analyst, House of Representatives.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with.

**REPORT FILED**

Pursuant to House Joint Resolution 340, Act No. 590, 1995 Regular Session of the Legislature, Representatives Allen Sanderson and John Robinson, submitted the Report of the Joint Interim Legislative Committee to Investigate Tax Audits of the Department of Revenue, and the report was ordered filed.

**REPORT FILED**

Pursuant to House Joint Resolution 340, Act No. 590, 1995 Regular Session of the Legislature, Representative John R. Knight, Jr., Chairperson, submitted the Minority Report of the Joint Interim Legislative Committee to Investigate Tax Audits of the Department of Revenue, and the report was ordered filed.

**LEAVES OF ABSENCE**

At the request of Representative Clark (J), leave of absence was granted for Representative Hogan.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 4:00 o'clock p.m. on Wednesday, January 31, 1996, and the motion was adopted.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 119. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

TOMMY CARTER  
Chairman

And the bill, H. 119, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 11. Relating to Washington County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 40. DECLARING THAT NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY OR ACT NO. 95-438, HJR 382, 1995 REGULAR SESSION, THE ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION SHALL NOT BE REQUIRED TO REPORT TO THE LEGISLATURE UNTIL THE SECOND DAY OF THE 1996 REGULAR SESSION.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 54. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Hill, Mitchell, and Freeman.

McDOWELL LEE  
Secretary

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 99. CONGRATULATING EDDIE AND GERTRUDE CARTER UPON CELEBRATING THEIR 60TH WEDDING ANNIVERSARY**

WHEREAS, January 26, 1996, marks the 60th wedding anniversary of Eddie and Gertrude Carter, and

WHEREAS, during these 60 years, this couple gave birth to and nurtured five children; and

WHEREAS, they have given loving guidance and encouragement to countless other children, including 15 grandchildren and five great grandchildren; and

WHEREAS, down through the years, they have been steadfast in their devotion to and love for God, His Church and its people, and

WHEREAS, these loyal citizens of Demopolis and Marengo County continue to render valuable service to their community, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That sincere congratulations be extended to Eddie and Gertrude Carter upon the celebration of their 60th wedding anniversary, and that wishes are extended for many more years of happiness.

On motion of Representative Carter, the resolution, H.J.R. 99, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 27. MOURNING THE DEATH OF ANDREW JACKSON GENTRY, JR., OF AUBURN, ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 27.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:



S.J.R. 28. MOURNING THE DEATH OF WILLIE R. MOSES OF OPELIKA, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 28.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 34. DESIGNATING THE ALABAMA AIR FAIR AS THE OFFICIAL AIR SHOW OF THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 34.

### **BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 121. To exempt the Smeltzer Educational Center, Inc. from the payment of all state, county, and municipal sales and use taxes.

S. 85. To amend Section 1 of Act No. 94-679, H. 115, 1994 Regular Session (Acts 1994, p. 1307), to provide that District Judgeship Number 2 of Cullman County shall be appointed by the Governor to serve until the next general election after one year in office.

S. 88. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 30. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 101. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 86. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

## RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 101. COMMENDING COACH RICHARD ROBERTSON ON HIS INDUCTION INTO THE 1996 ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION HALL OF FAME.

Also:

The following resolution was introduced:

By Representative Smith:

H.J.R. 102. COMMENDING MR. WILLIAM DENNIS (BILL) LATHAM OF CLANTON, ALABAMA.

The resolution, H.J.R. 102, was read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING**

And the bill:

S. 33. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

was read a third time at length and passed.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Hayden, Hill, Hinshaw, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), McClammy, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Turner, Turnham, Venable, Warren and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Newton (D), the rules were suspended in order to take up out of order the bill, H. 114.

**MOTION TO CARRY OVER LOST**

The motion offered by Representative Curry to carry over the bill, H. 114, to the twelfth legislative day, was lost.

Yeas 8; Nays 40.

Yea:

Representatives Clouse, Crigler, Curry, Haney, Parker (P), Penry, Pringle and Sanderford.

- 8

Nay:

Representatives Bandy, Burke, Carns, Drake, Dukes, Ford, Gaines, Galliher, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Knight (A), Knight (J), McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morton, Murphree, Newton (D), Papucci, Payne, Perdue, Petelos, Reed, Rogers (J), Sanderson, Spratt, Townsend, Turnham and Venable.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **MOTION TO CARRY OVER LOST**

The motion offered by Representative Parker (P) to carry over the bill, H. 114, to the tenth legislative day, was lost.

Yeas 8; Nays 38.

Yea:

Representatives Clouse, Crigler, Curry, Haney, Hayden, Parker (P), Penry and Sanderford.

- 8

Nay:

Representatives Bandy, Burke, Carns, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Guin, Hall (L), Hawkins, Hilliard, Hinshaw, Holmes, Hooper, Houston, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Papucci, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderson, Smith, Spratt and Townsend.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 114. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 12.

Yea:

Representatives Bandy, Burke, Buskey, Carns, Clark (W), Flowers, Ford, Gaines, Galliher, Gaston, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hinshaw, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Morton, Murphree, Newton (D), Papucci, Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Townsend, Turnham, Venable, Willis and Wren.

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Nay:

Representatives Clouse, Crigler, Curry, Dolbare, Haney, McDaniel, McKee, Moore, Newton (C), Parker (P), Pringle and Sanderford.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 114:

Representatives Burke, Buskey, Clark (W), Hawkins, Hill, Hinshaw, Houston, Johnson (E), Knight (A), McAdory, Minnifield, Papucci, Perdue, Petelos, Reed, Rogers (J), Sanderson and Spratt.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 7. Relating to Crenshaw County; authorizing the county commission to increase the expense allowance of its chair.

Also:

S. 18. To provide further for emergency telephone service; to amend Section 11-98-5, Code of Alabama 1975, relating to emergency telephone service charges to clarify its original intent; and to provide for a retroactive effective date.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 13. TO COMMEND THE EXXON CORPORATION FOR ITS CONTRIBUTION OF THE ENERGY CUBE TO SCIENCE EDUCATION AND THE ADVANCEMENT OF KNOWLEDGE OF YOUTH OF THE STATE OF ALABAMA.

Also:

S.J.R. 24. COMMENDING CHRIS CREASY AS FIREFIGHTER OF THE YEAR.

Also:

S.J.R. 25. MOURNING THE DEATH OF ARTHUR GEORGE GASTON OF BIRMINGHAM, ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Newton (D), the rules were suspended in order to take up out of order the bill, H. 117.

And the bill:

H. 117. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Crigler, Hall (A) and Penry.

- 3

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 117:

Representatives Allen, Bandy, Burke, Buskey, Clark (J), Clark (W), Dolbare, Galliher, Gipson, Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Knight (J), McAdory, McClammy, Melton, Minnifield, Papucci, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderson and Spratt.

And the bill:

H. 1. (With Substitute): Relating to motor vehicle distinctive license tags; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to provide for a reduction in the fees for the distinctive tags or plates; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama or Scottish Rites Masons; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

and the pending substitute reported by the Standing Committee on Ways and Means which were temporarily carried over on the eighth legislative day were taken up.

### **SUBSTITUTE OFFERED**

Representative Morrison offered the following substitute to the bill, H. 1 and to the pending substitute reported by the Standing Committee on Ways and Means:

#### **A BILL TO BE ENTITLED AN ACT**

Relating to motor vehicle distinctive license tags or plates; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, supporters of the Alabama Boy Scouts Stewardship Education Committee, and the Alabama Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 32-6-302 of the Code of Alabama 1975, is amended to read as follows:



"§32-6-302.

"(a) Owners of motor vehicles who are residents of Alabama and who are receiving monthly retirement checks from the Teachers' Retirement System of Alabama, or who are receiving monthly retirement checks from an education retirement pension program from any other state, or their spouses, shall be eligible to apply for and receive "Retired Educator" commemorative or personalized license tags or plates as provided in this division. Owners of motor vehicles who are residents of Alabama and who are currently employed by a public education school system, college, university, institution, or who are active and contributing members of the Teachers' Retirement System, or who are employed by the State Department of Education, or their spouses, shall be eligible to apply for and receive "Educator" commemorative or personalized license tags or plates as provided in this division.

"An applicant to receive a "Retired Educator" or "Educator" commemorative or personalized license tag or plate for private passenger or motor vehicles shall meet the following criteria:

"(1) Apply to the appropriate judge of probate or commissioner of licenses as the case may be.

"(2) Comply with the state motor vehicle laws, relating to registration and licensing of motor vehicles.

"(3) Pay the regular license fee for license tags or plates as provided by law for private passenger or pleasure motor vehicles.

"(4) Pay an additional annual fee of twenty-five dollars (\$25) for the "Retired Educator" tag or license plate and fifty dollars (\$50) for the "Educator" tag or license plate.

"(5) Present documentation or certification to the appropriate judge of probate or commissioner of licenses, as the case may be, that the applicant is either receiving a monthly allotment as a retired education employee or is the spouse of a retired education employee; or, in the case of "Educator" tags or license plates, is currently employed or is the spouse of a person currently employed, in public education as provided in this section shall be prima facie proof of the eligibility of a person to receive a distinctive tag.

"(b) Upon meeting all of the criteria, the applicant shall be issued a personalized motor vehicle license tag or plate upon which, in lieu of the numbers prescribed by law, shall be inscribed special letters, figures, numbers, or other marks, emblems, symbols, or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the application by the State Department of Revenue.

"(c) The distinctive commemorative tags provided for in this division shall be issued, printed, and processed in the same manner as other personalized tags in Section 32-6-150. The distinctive commemorative tags shall be valid for five years and shall be replaced at the end of the period with conventional tags or other personalized tags. Payment of the required motor vehicle license fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in Section 32-6-63.

"(d) The Commissioner of Revenue shall approve the distinctive design of the tags or plates provided in this division, and the approval shall be subject to submission of the design by the Education Tag Advisory Committee, which committee shall be strictly voluntary and the members shall serve without pay or remuneration. The Education Tag Advisory Committee shall consist of three members who shall be appointed by the Alabama Education Association. The design of the distinctive tag shall be subject to approval of the Revenue Commissioner and shall comply with all applicable laws and regulations pertaining to car tags and licenses, except that Section 32-6-54 shall not apply to this division.

"(e) Fees collected pursuant to this division shall be transmitted timely to the State Treasurer. After payment to the Department of Corrections for its costs of manufacture and administration of the commemorative tags, the balance shall be transferred by the State Comptroller into the Penny Trust Fund established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41.

"(f) Fees paid pursuant to this division represent a charitable contribution under the Alabama Income Tax laws from the purchaser to the Penny Trust Fund."

Section 2. (a) A member in good standing of the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama or Scottish Rite Masons who is the owner of a motor vehicle and a resident of the State of Alabama may be issued a masonic license tag or plate. An emergency medical technician who is the owner of a motor vehicle and a resident of the state may be issued a distinctive "emergency medical technician" license tag or plate. Owners of a motor vehicle who are supporters of the Alabama Boy Scouts Stewardship Education Committee and residents of Alabama may be issued distinctive "Alabama Boy Scouts" license tag or plate. Owners of a motor vehicle who are supporters of the Alabama Girl Scouts and residents of Alabama may be issued a distinctive "Alabama Girl Scouts" license tag or plate. Members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, and supporters of the Boy Scouts Stewardship Education Committee or the Alabama Girl Scouts shall make application to the judge of probate or license commissioner, comply with the motor vehicle registration and licensing laws, pay the regular fees required by law for license tags or plates for private passenger or pleasure motor vehicles, and pay an additional annual fee as follows:

(1) The fee for a masonic tag shall be twenty-five dollars (\$25), one dollar (\$1) of which shall be remitted to the State Treasurer for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41 of the Code of Alabama 1975.

(2) The fee for an emergency medical technician tag shall be twenty-five dollars (\$25) dollars.

(3) The fee for a Boy Scout tag shall be fifty dollars (\$50), five dollars (\$5) of which shall be remitted to the State Treasurer for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41 of the Code of Alabama 1975.

(4) The fee for an Alabama Girl Scout tag shall be fifty dollars (\$50), five dollars (\$5) of which shall be remitted to the State Treasurer for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41 of the Code of Alabama 1975.

(b) The masonic tags or plates shall be designed by a committee appointed respectively by the Grand Master of the Most Worshipful Grand Lodge of the Free and Accepted Masons of Alabama and the Sovereign Grand Inspector General in Alabama of the Ancient and Accepted Scottish Rite of Free-Masonry, Southern Jurisdiction, USA, and the design of the masonic tags or plates shall be subject to the approval of the Commissioner of the Department of Revenue. Each committee shall consist of three members and the members shall serve without pay. The emergency medical technician tags or plates, the Alabama Boy Scout, and the Alabama Girl Scout tags or plates shall be designed by the Department of Revenue with the Alabama Boy Scouts and Alabama Girl Scouts advising the department on the design of the Boy Scout or Girl Scout tags or plates with respect to their tags or plates.

(c) The distinctive tags or plates shall be issued, printed, and processed like other distinctive and personalized tags and plates provided for in Chapter 6 of Title 32 of the Code of Alabama 1975. The tags or plates shall be valid for five years and may be replaced with either a conventional, personalized, or new masonic, emergency medical technician, Boy Scout or Girl Scout tag or plate. Payment of required license fees and taxes for the years during which a new tag or plate is not issued shall be evidenced as provided in Section 32-6-63 of the Code of Alabama 1975.

Section 3. The proceeds of the additional revenues derived from sales of the distinctive tags or plates, less administrative costs, including the cost of production of the tags, shall be distributed by the judge of probate or license commissioner as follows:

(1) Proceeds from sales of Free Mason tags or plates shall be distributed equally to the Most Worshipful Grand Lodge of the Free and Accepted Masons of Alabama and the Alabama Masonic Home in Montgomery, Alabama.

(2) Proceeds from sales of Scottish Rite Mason tags or plates shall be distributed to the Scottish Rite Foundation of Alabama, Inc.

(3) Proceeds from the sales of emergency medical technician tags or plates shall be remitted to the State Treasurer for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41 of the Code of Alabama 1975.

(4) Proceeds from sales of Boy Scout tags or plates shall be distributed monthly by the State Comptroller to the Alabama Boy Scouts Stewardship Education Committee in Anniston, Alabama, which shall be distributed by the committee to the other council members.

(5) Proceeds from sales of Girl Scout tags or plates shall be distributed monthly by the State Comptroller to the South Central Alabama Girl Scout Council in Montgomery, Alabama, which shall be distributed by the South Central Alabama Girl Scout Council to the other council members.

Section 4. The distinctive license plates or tags issued pursuant to this act shall not be transferable between motor vehicle owners, and in the event the owner of a vehicle bearing the distinctive plate or tag sells, trades, exchanges, or otherwise disposes of the motor vehicle, the plate or tag shall be retained by the owner to whom it was issued and returned to the judge of probate or license commissioner of the county, who shall receive and account for the tag or plate as provided in this section. In the event the owner acquires by purchase, trade, exchange, or otherwise, a vehicle for which no standard plate or tag has been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner proper certification of the acquisition of the vehicle and the payment of the motor vehicle license tax due upon the vehicle, authorize the transfer and use of the distinctive license plate or tag previously purchased by the owner for the remainder of the current license period of the plate or tag. In the event the owner of the distinctive license plate or tag acquires by purchase, trade, exchange, or otherwise, a vehicle for which a standard plate or tag has been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of the owner and upon delivery to the official of the standard plate or tag previously issued for the vehicle, authorize the owner of the newly-acquired vehicle to place the distinctive license plate or tag previously purchased for the vehicle and use the plate for the remainder of the then current license period. The notice of transfer of ownership shall be made by record to the judge of probate or the license commissioner.

Any person acquiring by purchase, trade, exchange, or otherwise, any vehicle formerly bearing the distinctive plate or tag may, upon certification of the fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, purchase a standard replacement plate or tag for the vehicle which shall authorize the operation of the vehicle by the new owner for the remainder of the license period.

Section 5. Upon termination of membership with the appropriate masonic organization or employment as an emergency medical technician, a person to whom a distinctive license plate or tag was issued under this act shall, within 30 days, return the plate or tag to the judge of probate or the license commissioner of the county where the applicant resides.

Section 6. Fees paid pursuant to this act shall represent a charitable contribution under the Alabama Income Tax laws from the purchaser.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrow, Morton, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Willis and Wren.

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And the bill:

H. 1. Relating to motor vehicle distinctive license tags or plates; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, supporters of the Alabama Boy Scouts Stewardship Education Committee, and the Alabama Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 1, as amended:

Representatives Crigler, Dukes, Galliher, Graham, Guin, Hall (L), Hayden, Hilliard, Hinshaw, Houston, McAdory, McClammy, McDaniel, Melton, Minnifield, Newton (D), Papucci, Reed, Sanderford, Sims and Spratt.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Representative Black (L) to suspend the rules in order to take up out of order the bill, H. 120, was lost, lacking a four-fifths vote.

Yeas 31; Nays 19.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Burke, Carothers, Gipson, Graham, Hall (A), Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Papucci, Perdue, Pringle, Reed, Rogers (J), Spratt and Turner.

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Nay:

Representatives Carns, Crigler, Dolbare, Haney, Hawkins, Jorgensen, McDaniel, Morrison, Morton, Murphree, Payne, Penry, Rogers (M), Sanderford, Sims, Smith, Thomas (D), Townsend and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Carothers, the rules were suspended in order to take up out of order the bill, S. 34.

**MOTION TO INDEFINITELY POSTPONE OFFERED**

Representative Holmes offered the motion to indefinitely postpone the bill, S. 34.

**S. 34 TEMPORARILY CARRIED OVER**

On motion of Representative Clark (J), the bill, S. 34, and the pending motion to indefinitely postpone offered by Representative Holmes were temporarily carried over.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 2. To provide that full-time executive officers and employees of the Tennessee Valley Rehabilitation Center, Inc., may elect to become members of the Teachers' Retirement System; to provide that the center and employees of the center shall assume all administrative and contributory costs of membership and that no cost shall devolve upon the state and to provide for purchase of previous service credit in the system.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 33. Relating to Monroe County; amending Section 9 of Act No. 95-702, H. 961, 1995 Regular Session, which provides a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes by the county revenue commissioner, to provide further that the county commission may call a special referendum for the purpose of voting on the act and to provide that the county commission shall pay the costs of the election.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 27. MOURNING THE DEATH OF ANDREW JACKSON GENTRY, JR., OF AUBURN, ALABAMA.

Also:

S.J.R. 28. MOURNING THE DEATH OF WILLIE R. MOSES OF OPELIKA, ALABAMA.



Also:

S.J.R. 34. DESIGNATING THE ALABAMA AIR FAIR AS THE OFFICIAL  
AIR SHOW OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

### **BILLS ON THIRD READING RESUMED**

#### **MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Turner to suspend the rules in order to take up out of order the bill, H. 120, was lost, lacking a four-fifths vote.

Yeas 38; Nays 13.

Yea:

Mr. Speaker, Bandy, Black (L), Boyd, Buskey, Carothers, Clark (W), Dean, Drake, Fuller, Graham, Guin, Hall (A), Hall (L), Hayden, Hill, Hilliard, Hinshaw, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Newton (D), Page, Papucci, Robinson, Smith, Spratt, Turner, Vance, White and Willis.

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Nay:

Representatives Carns, Crigler, Curry, Haney, Hawkins, Houston, Morrison, Murphree, Payne, Seibenhener, Sims, Thomas (D) and Townsend.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 54**

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 54, have met, considered the bill as amended, and have agreed to the following report:

Substitute for H. 54

Respectfully submitted,

Ronald G. Johnson  
Lucius Black  
Albert Hall

Conferees on the part of the House

Dewayne Freeman  
Dell Hill  
Wendell Mitchell

Conferees on the part of the Senate

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-9-5, Code of Alabama 1975, is amended to read as follows:

"§17-9-5.

"(a) Any county or city may, by resolution of the county commission for county elections or resolution of the municipal governing body for city elections or by a majority vote of its qualified electors voting thereon at any election held not earlier than six years after the adoption and installation of such machines, direct the discontinuance of the use of voting machines at elections held in such county or city. The If discontinuance is not approved by the county commission or the municipal governing body, the question of the discontinuance of the use of such voting machines shall be submitted to the voters, subject to the same

requirements as to resolution or petition and signatures thereon as is required for the submission of the question on the authorization of the use of such voting machines. Where the qualified electors of any city and the qualified electors of the entire county containing therein such city, both have voted by separate questions in favor of the adoption of the use of voting machines, or where any county and any city within any such county, through its proper officers, in pursuance of appropriate legislation, shall have separately authorized and directed the use of voting machines, a subsequent vote by the qualified electors of the entire county in favor of discontinuance will not be considered as a vote to discontinue the use of voting machines in such city. Such question as to the discontinuance of the use of voting machines shall be submitted in the following form: "Shall the use of voting machines be continued in the (city or county) of . . . .?"

"(b) The requirements for the approval of an electronic vote counting system is governed by Chapter 24 of this title.

"(c) Any payment for the sale, lease, rental, use, or maintenance of voting machines or equipment shall be paid directly to the governmental entity that owns the machines or equipment."

Section 2. The discontinuance of the use of voting machines and adoption of an electronic vote counting system by any of the procedures set forth in Section 1 is hereby validated. It is the Legislative intent of this amendatory act that approval of the change from voting machines to electronic voting under Section 17-24-3, Code of Alabama 1975, has, since the enactment of the Election Reform Act of 1983, been an effective means of changing voting systems.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED**

On motion of Representative Johnson (R), the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 54, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 70; Nays 1.

Yea:

Mr. Speaker, Bandy, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne,

Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Hayden.

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### PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Drake inadvertently voted "Yea" and intended to vote "Nay" on the motion offered by Representative Turner to suspend the rules in order to take up out of order the bill, H. 120.

### RESOLUTIONS

The following resolutions were introduced:

By Representative Johnson (E):

H.J.R. 103. MOURNING THE DEATH OF ARTHUR GEORGE GASTON OF BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 103, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.R. 104. URGING THE UNIVERSITY OF ALABAMA ADMINISTRATORS TO NOT SUPPORT ANY FUNCTION OR ACTIVITY THAT PROMOTES LIFESTYLES OR ACTIVITIES PROHIBITED BY SODOMY AND SEXUAL MISCONDUCT LAWS.

The resolution, H.R. 104, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.R. 105. URGING THE PRESIDENT TO RETAIN COMMAND OF U.S. MILITARY PERSONNEL UNDER UNITED NATIONS OPERATIONS.

The resolution, H.R. 105, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1. Relating to motor vehicle distinctive license tags or plates; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, supporters of the Alabama Boy Scouts Stewardship Education Committee, and the Alabama Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

TOMMY CARTER  
Chairman

And the bill, H. 1, as engrossed, was ordered sent to the Senate.

**RESOLUTIONS**

The following resolution was introduced:

By Representative Thomas (D):

H.R. 106. SUPPORTING THE GADSDEN BOARD OF EDUCATION RESOLUTION CRITICIZING THE NATIONAL EDUCATION ASSOCIATIONS'S SUPPORT OF A GAY AND LESBIAN HISTORY MONTH.

The resolution, H.R. 106, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Johnson (R):

H.R. 107. COMMENDING THE COOSA COUNTY 4-H TEAM ON WINNING THE SECOND PLACE AWARD IN THE 8TH NATIONAL 4-H WILDLIFE HABITAT EVALUATION INVITATIONS.

Also:

By Representative Graham:

H.R. 108. MOURNING THE DEATH OF COLONEL FLOYD H. MANN OF MONTGOMERY, ALABAMA.

Also:

By Representative Turnham:

H.R. 109. COMMENDING JACOB WALKER, JR., ESQUIRE, OF OPELIKA, ALABAMA, ON HIS DISTINGUISHED ACCOMPLISHMENTS.

Also:

By Representative Turnham:

H.R. 110. MOURNING THE DEATH OF CLEMENT CLAY TORBERT, SR., OF OPELIKA, ALABAMA.

Also:

The following resolution was introduced:

By Representative Hall (L):

H.J.R. 111. CONGRATULATING EPSILON GAMMA OMEGA ON THE OCCASION OF ITS THIRTY-EIGHTH DEBUTANTE PRESENTATION AND BALL.

The resolution, H.J.R. 111, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hooper:

H.R. 112. MOURNING THE DEATH OF DAVID ZACK ROLEN OF MONTGOMERY, ALABAMA.

Also:

The following resolution was introduced:

By Representative Hooper:

H.J.R. 113. MOURNING THE DEATH OF DAVID ZACK ROLEN OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 113, was read and referred to the Standing Committee on Rules.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:15 P.M. on January 30, 1996.

H. 6	H. 43
H. 8	H. 45
H. 15	H. 50
H. 19	H. 51
H. 20	H. 52
H. 29	H. 14
H. 30	H. 3
H. 40	H. 59

Delivered to the Secretary of State at 3:20 P.M. on January 30, 1996.

H. 65 (Constitution Amendment)

Delivered to the Governor at 4:20 P.M. on January 30, 1996.

H. 11

H.J.R. 40

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Venable, the House adjourned until 4:00 o'clock p.m., Wednesday, January 31, 1996.

**TENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, January 31, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Bob McKee.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Tiffany Trione, 10th Grade, Bayside Academy, Daphne, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.



**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 93. COMMENDING BENJAMIN HARRIS KNIGHT ON THE OCCASION OF HIS RETIREMENT.

McDOWELL LEE  
Secretary

**LEAVES OF ABSENCE**

At the request of Representative Clark (J), leave of absence was granted for Representative Hogan.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, February 1, 1996, and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 102. COMMENDING MR. WILLIAM DENNIS (BILL) LATHAM OF CLANTON, ALABAMA.**

WHEREAS, it is with a sense of great pride and deep admiration that the Legislature of Alabama notes the recent selection of Mr. William Dennis (Bill) Latham as the Chilton County Chamber of Commerce's 1995 Citizen of the Year; and

WHEREAS, Mr. Latham, a practicing attorney in Clanton, received this prestigious award at the Chamber's annual membership banquet held on January 2, 1996; and

WHEREAS, Bill Latham has contributed immeasurably to the enrichment of the social, cultural, and economic lives of his community; and

WHEREAS, throughout his life, he has exhibited those admirable attributes of friendliness, devotion to duty, and concern for others, and he has gained the respect and affection of all who know him, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. William Dennis Latham of Clanton, Alabama, upon his selection as 1995 Citizen of the Year by the Chilton County Chamber of Commerce, and direct that a copy of this resolution be presented to him as evidence of our deep appreciation and warmest personal regard.

On motion of Representative Carter, the resolution, H.J.R. 102, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 103. MOURNING THE DEATH OF ARTHUR GEORGE GASTON OF BIRMINGHAM, ALABAMA.**

WHEREAS, it is with profound personal sorrow and regret that the Alabama Legislature records the death of Arthur George Gaston of Birmingham, Alabama, on January 19, 1996, at the age of 103 years; and

WHEREAS, Mr. Gaston was a prominent member of the Birmingham community, and a distinguished Alabamian, whose good deeds earned for him the highest admiration and respect of countless individuals whose lives were touched by his genuine love and concern; and

WHEREAS, a native of Demopolis, Alabama, he rose from poverty to build a multimillion-dollar Birmingham-based business conglomerate which began with the Booker T. Washington Insurance Company, the company he founded in 1923, and was thereafter followed by such business successes as the Smith & Gaston Funeral Home (1923), the Booker T. Washington Business College (1939), A. G. Gaston Motel (1954), Citizens Federal Savings Bank (1957), Booker T. Washington Broadcasting (1975), and A. G. Gaston Construction Company (1984), to name but a few; and

WHEREAS, throughout his lifetime, his care and concern for the good and well-being of others, and most especially for our nation's young people was demonstrated in his choice of business ventures, and through his many other generous and benevolent acts on their behalf, including, among many, his invaluable supportive role in the struggle for civil rights; the A. G. Gaston Boys and Girls Club Inc., in Birmingham and Bessemer; his no-interest loan program for minority students at Samford's Cumberland Law School; and scholarships at Miles College, the University of Alabama at Birmingham, Tuskegee University, and numerous other schools; and

WHEREAS, Arthur George Gaston was indeed a kind and compassionate man whose life stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Arthur George Gaston of Birmingham, Alabama, and extend our most heartfelt sympathy to his beloved family, whose sorrow we share, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 103, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 111. CONGRATULATING EPSILON GAMMA OMEGA ON THE OCCASION OF ITS THIRTY-EIGHTH DEBUTANTE PRESENTATION AND BALL.**

WHEREAS, it is with great pride and utmost pleasure that the Legislature of Alabama notes Epsilon Gamma Omega's Thirty-eighth Debutante Presentation and Ball, February 23, 1996, in the Von Braun Civic Center in Huntsville, Alabama; and

WHEREAS, Soror Fannie E. Frazier Hicklin recommended that the chapter sponsor a debutante program in 1957, and Epsilon Gamma Omega initiated its debutante training program to enrich the cultural development of recommended young women in Huntsville and surrounding areas, which includes an eight-week charm school and civic awareness with more than 1,000 young women having been presented during the past 36 years; and

WHEREAS, 25 young ladies were presented in the first Debutante Presentation and Ball held February 7, 1958, in the Alabama A&M College Gymnasium three of whom later became Sorors Mattie Battle, Carolyn Battle, and Sylvia Flakes of Epsilon Gamma Omega Chapter; and

WHEREAS, the Huntsville site of the Debutante Presentation and Ball changed from the college gymnasium to the Elks Lodge in 1967, the Carriage Inn in 1970, the Sheraton Motor Inn in 1973, and since 1977, it has been held at the Von Braun Civic Center; and

WHEREAS, Sorors Mary Chambers, Maureen Davis, Ethel Richards, Dorothy Simpson, Evangeline Spillman, and Fannie Thompson have been involved for 37 years with the sorority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Sorors of Epsilon Gamma Omega on its thirty-eighth Debutante Presentation and Ball, and direct that a copy of this resolution of sincere appreciation shall be provided to the President of the Sorority.

On motion of Representative Carter, the resolution, H.J.R. 111, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 113. MOURNING THE DEATH OF DAVID ZACK ROLEN OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with the most profound sorrow and a deep sense of loss that the Alabama Legislature records the death of David Zack Rolan of Montgomery, Alabama, on January 9, 1996; and

WHEREAS, graduating from Barnes Academy and the Pensacola Naval Air Station, Mr. Rolan attained the rank of Lieutenant in the Naval Air Corps, and served as a pilot in the South Pacific during World War II; after his tour of duty, he attended Auburn University, and became a member of Sigma Alpha Epsilon fraternity; and

WHEREAS, joining in the family business of J. Z. Rolan Contracting Company, Mr. Rolan played a vital role in the formation, growth, and progress of the business; he later worked for the Alabama Highway Department in the Sixth Division's Bridge Inspection and Engineering Group until his retirement; and

WHEREAS, an avid outdoorsman, Mr. Rolan once held a state fishing record for catching the largest walleye, and will long be remembered as someone who enjoyed teaching people about nature; and

WHEREAS, David Zack Rolan is survived by his wife, Hilda, who was a constant source of support and encouragement; two daughters, Julia Vinson and Gay Winters; and one son, James Zack Rolan; among other bereaved family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deepest regret at the death of Mr. Rolan, and extend our most heartfelt sympathy to his wife and children, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 113, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 32. MOURNING THE DEATH OF C. M. HOLDER OF FAYETTE, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 32.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 29. MOURNING THE DEATH OF DR. BENJAMIN M. CARRAWAY OF BIRMINGHAM, ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 29.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

**S.J.R. 22. CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMITTEE.**

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

**CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMISSION.**

**WHEREAS**, the Legislature recognizes the enormous importance of higher education to the citizens of this state; and

**WHEREAS**, the Legislature recognizes that there are exemplary programs and services provided by institutions of higher education; and

**WHEREAS**, the Legislature supports initiatives by institutions of higher education to continue its efforts to provide quality and educational efficiencies; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That there is created a Higher Education Funding Advisory Commission to develop a new funding approach for higher education that is performance-based and uses other incentive funding approaches. The commission shall consist of 11 members composed as follows: Two representatives of the state's regional universities, Three representatives of the state's two-year colleges (one of whom shall be Black), One representative from each of the following institutions: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, Alabama A & M University, and the Alabama Commission on Higher Education.

The members of the Higher Education Funding Advisory Commission shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the commission. The State Board of Education shall select the representatives of the state's two-year colleges on the commission. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State University, and Alabama A & M University shall each select the representatives of their respective institution on the commission. The Alabama Commission on Higher Education shall select its representative on the commission. It is the intent of the Legislature that women be represented on the commission.

BE IT FURTHER RESOLVED, That the Alabama Commission on Higher Education works with the Higher Education Funding Advisory Commission, the Legislative Joint Fiscal Committee, and the Governor in this endeavor and that a report on the progress of the program shall be presented to the Legislature by May 1, 1996, with October 1, 1998, being the target date by which the Legislature, if it chooses, could begin to use the funding approach. The commission shall dissolve October 1, 1998.

#### **S.J.R. 22 TEMPORARILY CARRIED OVER**

On motion of Representative Carothers, the resolution, S.J.R. 22, and the pending substitute reported by the Standing Committee on Rules were temporarily carried over.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 100. EXPRESSING THE INTENT OF THE LEGISLATURE THAT ALABAMA BE WITHDRAWN FROM PROGRAMS FUNDED UNDER THE GOALS 2000/EDUCATE AMERICA ACT AND URGING THE STATE BOARD OF EDUCATION TO SUPPORT SUCH ACTION TAKEN BY GOVERNOR JAMES.

#### **MOTION TO ADOPT OFFERED**

Representative Carter offered the motion that the House adopt the resolution, H.J.R. 100.

**H.J.R. 100 RECOMMITTED**

On motion of Representative Hooper, the Speaker recommitted the resolution, H.J.R. 100, to the Standing Committee on Rules.

**BILLS ON SECOND READING**

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 14. To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 54. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 93. COMMENDING BENJAMIN HARRIS KNIGHT ON THE OCCASION OF HIS RETIREMENT.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman



**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Sanderson that the House adjourn until 10:00 o'clock a.m., Thursday, February 1, 1996, was lost.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 29. MOURNING THE DEATH OF DR. BENJAMIN M. CARRAWAY OF BIRMINGHAM, ALABAMA.

Also:

S.J.R. 32. MOURNING THE DEATH OF C. M. HOLDER OF FAYETTE, ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**RESOLUTIONS**

The following resolutions were introduced:

By Representatives Box, Knight (J), Morrison, Hall (A), Minnifield, Page, Robinson, Baker, Hall (L), Kennedy, Guin, Hawk, Melton, Perdue and Hilliard:

**H.R. 114. URGING THE IMMEDIATE RESIGNATION OF MR. RALPH EAGERTON.**

WHEREAS, Mr. Ralph Eagerton announced his resignation as State Revenue Commissioner effective March 31, 1996; now therefore,

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA,** That we urge Mr. Eagerton to resign his position immediately.

**RESOLVE FURTHER,** That if Mr. Eagerton does not resign his position immediately we urge Governor James to immediately terminate Mr. Eagerton's position as Revenue Commissioner.

On motion of Representative Box, the rules were suspended and the resolution, H.R. 114, was adopted.

#### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Sims intended to vote "Nay" on adoption of the resolution, H.R. 114.

Also:

By Representative Jackson:

**H.J.R. 115. CONGRATULATING MRS. RUTH E. LANING OF THOMASVILLE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.**

The resolution, H.J.R. 115, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Minnifield, Petelos, Payne, Sanderson, Rogers (J), Johnson (E), McAdory, Houston, Hawkins, Carns, Perdue, Gaines, Curry, Townsend, Newton (D), Morton, Spratt and Hilliard:

**H.R. 116. MOURNING THE DEATH OF DR. BENJAMIN M. CARRAWAY OF BIRMINGHAM, ALABAMA.**

Also:

By Representatives Petelos, Minnifield, Payne, Sanderson, Rogers (J), Johnson (E), McAdory, Houston, Hawkins, Carns, Perdue, Gaines, Curry, Townsend, Newton (D), Morton, Spratt and Hilliard:

H.R. 117. MOURNING THE DEATH OF JOSEPH S. BRUNO OF BIRMINGHAM, ALABAMA.

Also:

By Representatives Minnifield, Petelos, Payne, Sanderson, Rogers (J), Johnson (E), McAdory, Houston, Hawkins, Carns, Perdue, Gaines, Curry, Townsend, Newton (D), Morton, Spratt and Hilliard:

H.R. 118. MOURNING THE DEATH OF A. G. GASTON OF BIRMINGHAM, ALABAMA.

Also:

By Representatives Curry and Hilliard:

H.R. 119. COMMENDING JASON MATTHEW COBB OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 120. COMMENDING ANDREW C. WADE AS RECIPIENT OF THE SILVER BEAVER AWARD.

#### **CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolution mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:30 P.M. on January 31, 1996.

H.J.R. 93

GREG PAPPAS  
Clerk

#### **ADJOURNMENT**

On motion of Representative Minnifield, the House adjourned until 10:00 o'clock a.m., Thursday, February 1, 1996.

**ELEVENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, February 1, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Dolbare.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by PFC. Kenteh (Kentay) Reeves, United States Marines, Camp LeJune, N.C.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 115. CONGRATULATING MRS. RUTH E. LANING OF THOMASVILLE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, the Alabama Legislature is pleased to recognize Mrs. Ruth E. Laning, who was honored with a 100th birthday celebration on December 10, 1995, and upon this auspicious occasion is deserving of special recognition and heartiest congratulations of the people of the state; and

WHEREAS, Mrs. Laning was born on December 11, 1895, in Conneaut, Ohio, to George and Clara Bixler, and was one of five daughters; married in 1927 to Roy Laning, they had two daughters, and eventually settled in Birmingham, Michigan, where they lived for 30 years; and

WHEREAS, her wealth of knowledge and experience in her 100 years include two World Wars, as well as Korea, Viet Nam and Saudi Arabia; the advent of automobiles, electricity and plumbing in homes, and commercial airplanes; and Mrs. Laning has observed 18 presidents being in office; and

WHEREAS, it is a well-known fact that some people improve with age and, Mrs. Laning, at age 100, ranks high among those who still lead a full life, and maintain a good sense of humor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in most heartily congratulating Mrs. Ruth E. Laning on her 100 birthday, and do further direct that she receive a copy of this resolution of sincere personal regard.

On motion of Representative Carter, the resolution, H.J.R. 115, was adopted.

### RESOLUTIONS

The following resolutions were introduced:

By Representatives Hall (A), Jorgensen, Haney, Papucci, Sanderford, Hinshaw and Hall (L):

H.R. 121. REQUESTING THE MADISON COUNTY JUDICIAL COMMISSION TO CONDUCT ITS MEETINGS IN PUBLIC.

WHEREAS, Amendment 334 of the Constitution of Alabama of 1901, creates the Madison County Judicial Commission for the purpose of submitting a list of nominees to the Governor for the filling of vacancies of the Office of Circuit Judge in Madison County; and

WHEREAS, the deliberation and voting on lists of nominees by the commission is of utmost concern to the citizens of Madison County, whose lives are affected by the judicial actions and decisions of appointees who serve as a circuit judge; and

WHEREAS, the important selection process of nominees for appointment to the Office of Circuit Court for Madison County should be open to the public; and

WHEREAS, Section 13A-14-2, Code of Alabama 1975, prohibits executive or secret sessions by any public body to which is delegated any legislative or judicial function and imposes criminal sanctions for a violation; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby request that the Madison County Judicial Commission conduct its meetings in public pursuant to Section 13A-14-2, Code of Alabama 1975, including the nomination of appointees for consideration by the Governor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Executive Committee of the Madison County Bar Association.

On motion of Representative Hall (A), the rules were suspended and the resolution, H.R. 121, was adopted.

Also:

By Representatives Hall (A), Jorgensen, Papucci, Haney, Sanderford, Hinshaw and Hall (L):

H.R. 122. REQUESTING THE ATTORNEY GENERAL TO ENSURE THE MADISON COUNTY JUDICIAL COMMISSION COMPLIES WITH THE OPEN MEETING LAW.

WHEREAS, Amendment 334 of the Constitution of Alabama of 1901, creates the Madison County Judicial Commission for the purpose of submitting a list of nominees to the Governor for the filling of vacancies of the Office of Circuit Judge in Madison County; and

WHEREAS, the deliberation and voting on lists of nominees by the commission is of utmost concern to the citizens of Madison County, whose lives are affected by the judicial actions and decisions of appointees who serve as a circuit judge; and

WHEREAS, the important selection process of nominees for appointment to the Office of Circuit Court for Madison County should be open to the public; and

WHEREAS, Section 13A-14-2, Code of Alabama 1975, prohibits executive or secret sessions by any public body to which is delegated any legislative or judicial function and imposes criminal sanctions for a violation; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby request the Attorney General to ensure that all meetings, including nominating meetings, of the Madison County Judicial Commission are conducted in compliance with Section 13A-14-2, Code of Alabama 1975, regarding open meetings.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Honorable Jeff Sessions, Attorney General.

On motion of Representative Hall (A), the rules were suspended and the resolution, H.R. 122, was adopted.

### **BILLS ON THIRD READING**

And the bill:

S. 86. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

was read a third time at length and passed.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, Millican, Mitchell, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Drake, the rules were suspended in order to take up out of order the bill, S. 85.

And the bill:

S. 85. To amend Section 1 of Act No. 94-679, H. 115, 1994 Regular Session (Acts 1994, p. 1307), to provide that District Judgeship Number 2 of Cullman County shall be appointed by the Governor to serve until the next general election after one year in office.

was read a third time at length and passed.

Yeas 50; Nays 8.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Buskey, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McClammy, McKee, Newton (D), Papucci, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Turner, Turnham, Vance, Venable, White and Wren.

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Nay:

Representatives Bandy, Johnson (R), Mitchell, Morrison, Murphree, Newton (C), Parker (P) and Payne.

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**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Morton:

H.R. 123. MOURNING THE DEATH OF BRYAN HARRIS OF BIRMINGHAM, ALABAMA.

**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Newton (D), the rules were suspended in order to take up out of order the bill, S. 14.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Dukes inadvertently voted "Yea" and intended to vote "Nay" on passage of the bill, S. 86.

**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 124. MOURNING THE DEATH OF ROWENA MCGAHEY CLARY OF AKRON, ALABAMA.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 85. To amend Section 1 of Act No. 94-679, H. 115, 1994 Regular Session (Acts 1994, p. 1307), to provide that District Judgeship Number 2 of Cullman County shall be appointed by the Governor to serve until the next general election after one year in office.

Also:

S. 86. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

### **LEAVE OF ABSENCE**

At the request of Representative Clark (J), leave of absence was granted for Representative Boyd.

### **MOTION TO ADJOURN LOST**

The motion offered by Representative Minnifield that the House adjourn was lost.

### **MOTION TO RECESS LOST**

The motion offered by Representative Minnifield that the House recess until the call of the Chair was lost.

### **BILLS ON THIRD READING RESUMED**

### **MOTION TO INDEFINITELY POSTPONE LOST**

The motion offered by Representative Rogers (J) to indefinitely postpone the bill, S. 14, was lost.

Yeas 10; Nays 55.

Yea:

Representatives Bandy, Dukes, Galliher, Graham, Hawk, Johnson (R), Minnifield, Robinson, Rogers (J) and Smith.

Nay:

Mr. Speaker, Black (L), Box, Burke, Buskey, Carns, Carothers, Carter, Collins, Crigler, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hogan, Houston, Jackson, Kennedy, Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Willis and Wren.

-55

### RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 125. COMMENDING LILLIAN SHERRELL MAPLES ON HER 100TH BIRTHDAY.

Also:

The following resolution was introduced:

By Representative Hall (L):

H.J.R. 126. COMMENDING LILLIAN SHERRELL MAPLES ON HER 100TH BIRTHDAY.

The resolution, H.J.R. 126, was read and referred to the Standing Committee on Rules.

### RECESS

On motion of Representative Clark (J), the House recessed until 1:05 o'clock p.m.

### HOUSE RECONVENED

The hour of 1:05 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

**S. 14 TAKEN UP**

And the bill:

S. 14. To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

was read a third time at length and passed.

Yeas 63; Nays 4.

Yea:

Mr. Speaker, Allen, Box, Burke, Buskey, Carns, Carothers, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Hooper, Johnson (E), Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-63

Nay:

Representatives Johnson (R), Jorgensen, Mitchell and Parker (P).

- 4

**MOTION TO ADJOURN ADOPTED**

Representative Venable offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Friday, February 2, 1996, and the motion was adopted.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Crigler intended to vote "Yea" on passage of the bill, S. 14.

**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Layson, the rules were suspended in order to take up out of order the bill, S. 54.

Yeas 45; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carns, Collins, Crigler, Dean, Drake, Fuller, Gaston, Guin, Hamilton, Haney, Hawkins, Hilliard, Hogan, Johnson (E), Kennedy, Layson, Lindsey, McClammy, McDaniel, McKee, Melton, Mitchell, Moore, Papucci, Payne, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Vance, Venable, White, Willis and Wren.

-45

Nay:

Representatives Carothers, Dolbare, Graham, Johnson (R), Jorgensen, Laird, Page and Rogers (J).

- 8

And the bill:

S. 54. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

was read a third time at length and passed.

Yeas 52; Nays 2.

Yea:

Mr. Speaker, Allen, Box, Burke, Buskey, Carns, Collins, Crigler, Curry, Dean, Dukes, Gaston, Graham, Guin, Hall (L), Hammett, Hawkins, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Morton, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Sanderson, Smith, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-52

Nay:

Representatives Carothers and Johnson (R).

- 2

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Johnson (R), the rules were suspended in order to take up out of order the bill, S. 30.

And the bill:

S. 30. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

was read a third time at length and passed.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Allen, Box, Burke, Buskey, Carns, Carothers, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Mauli, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-67

Nay:

Representative Mitchell.

- 1

**HOUSE BILLS INDEFINITELY POSTPONED**

On motion of Representative Venable, all House Bills remaining on the Calendar are indefinitely postponed.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative McMillan, the rules were suspended in order to take up out of order the bill, S. 88.

And the bill:

S. 88. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

was read a third time at length and passed.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Burke, Carns, Carothers, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable and Warren.

-63

Nay:

Representative Jorgensen.

- 1

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Carothers, the rules were suspended in order to take up out of order the bill, S. 34.

**S. 34 TEMPORARILY CARRIED OVER**

On motion of Representative Carothers, the bill, S. 34, was temporarily carried over.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Pringle, the rules were suspended in order to take up out of order the bill, S. 10.

**S. 10 INDEFINITELY POSTPONED**

On motion of Representative Pringle, the bill, S. 10:

S. 10. (With Substitute): To amend Section 33-1-17 of the Code of Alabama 1975, to provide further for the procedural authority of the State Docks Department relative to the disposal, sale, or lease of real property of the department.

and the pending substitute reported by the Standing Committee on Navigation and Waterways were indefinitely postponed.

And the bill:

S. 34. To make a supplemental appropriation to the Department of Insurance in the amount of \$450,000 from the State General Fund for the fiscal year ending September 30, 1996, for continuing education purposes.

which was previously temporarily carried over was read a third time at length and passed.

Yeas 73; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.



Nay:

Representatives Bandy, Gaines and Mitchell.

- 3

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 14. To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

Also:

S. 54. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class IV municipality organized pursuant to Section 11-44B-1, et seq., Code of Alabama 1975, for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

### ADJOURNMENT

On motion of Representative Venable, the House adjourned until 9:00 o'clock a.m., Friday, February 2, 1996.

**TWELFTH DAY**

**House of Representatives  
Montgomery, Alabama  
Friday, February 2, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Thomas E. Jackson.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Heather Capps, 9th Grade, Bayside Academy, Daphne, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Hammett, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns sine die and the motion was adopted.

**LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 30. To repeal Sections 34-24-79 to 34-24-84, inclusive, Code of Alabama 1975, relating to the licensing of graduates of foreign medical schools.

Also:

S. 88. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 34. To make a supplemental appropriation to the Department of Insurance in the amount of \$450,000 from the State General Fund for the fiscal year ending September 30, 1996, for continuing education purposes.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**RECESS**

On motion of Representative Hammett, the House recessed until 10:30 o'clock a.m.

**HOUSE RECONVENED**

The hour of 10:30 o'clock a.m. having arrived, the House reconvened. The Speaker called the House to order.

**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 127. COMMENDING DOUG BRADFORD UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 128. COMMENDING COACH MICKEY ANDREWS UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 129. COMMENDING THOMAS J. BRYAN UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 130. COMMENDING CHARLES B. COLE UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 131. COMMENDING JOE ED KIRKLAND UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 132. COMMENDING BETTY MIXON UPON HER INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

Also:

By Representative Baker:

H.R. 133. COMMENDING THE LATE PRESS THORNTON, SR., UPON HIS INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

### **ADJOURNMENT**

On motion of Representative Hammett, the House adjourned sine die at 10:50 o'clock a.m.

GREG PAPPAS  
Clerk of the House of Representatives  
of the Legislature of Alabama  
First Extraordinary Session, 1996.









**HOUSE OF REPRESENTATIVES**  
**ALPHABETICAL ROSTER, PARTY AND DISTRICT NUMBERS**  
**FIRST EXTRAORDINARY SESSION 1996**

Gerald Allen - (R) - 62  
 Lucy Baker - (D) - 85  
 George Bandy - (D) - 83  
 Lucius Black - (D) - 71  
 Marcel Black - (D) - 3  
 Michael E. Box - (D) - 96  
 Barbara B. Boyd - (D) - 32  
 Ralph Burke - (D) - 24  
 James E. Buskey - (D) - 99  
 Jim Carns - (R) - 46  
 Joe R. Carothers, Jr. - (D) - 86  
 Tommy Carter - (D) - 5  
 James S. Clark - (D) - 84  
 William Clark - (D) - 98  
 Steve Clouse - (R) - 93  
 Sam Collins - (D) - 16  
 R. P. (Phil) Crigler, Jr. - (R) - 105  
 Johnny L. Curry - (R) - 15  
 Mike Dean - (R) - 104  
 Jeff Dolbare - (D) - 65  
 Tom Drake - (D) - 11  
 Bill J. Dukes - (D) - 8  
 Steve Flowers - (R) - 89  
 Joe M. Ford - (D) - 28  
 Bill Fuller - (D) - 38  
 Mark L. Gaines - (R) - 47  
 Blaine Galliher - (D) - 30  
 Victor Gaston - (R) - 100  
 H. Mac Gipson, Jr. - (D) - 88  
 Betty Carol Graham - (D) - 81  
 Ken Guin - (D) - 14  
 Albert Hall - (D) - 22  
 Laura Hall - (D) - 19  
 James H. Hamilton - (D) - 2  
 Seth Hammett - (D) - 92  
 James C. Haney - (R) - 10  
 Howard Hawk - (D) - 25  
 John Hawkins - (R) - 48  
 Andrew Hayden - (D) - 72  
 Mike Hill - (R) - 41  
 John R. Hilliard - (D) - 60  
 Randy Hinshaw - (D) - 21  
 Thomas E. Hogan - (D) - 13  
 Alvin Holmes - (D) - 78  
 Perry O. Hooper, Jr. - (R) - 73  
 Tommy L. Houston - (D) - 57  
 Thomas E. Jackson - (D) - 68  
 Earnest Johnson - (D) - 58  
 Ronald G. Johnson - (D) - 33  
 Lee Jorgensen - (R) - 6  
 Yvonne Kennedy - (D) - 97  
 Al Knight - (R) - 40  
 John F. Knight, Jr. - (D) - 77

Richard J. Laird - (D) - 37  
 Allen Layson - (D) - 61  
 Sam Letson - (D) - 7  
 Richard J. Lindsey - (D) - 39  
 Edward A. Maull - (D) - 67  
 Lawrence McAdory - (D) - 56  
 Thad McClammy - (D) - 76  
 W. F. (Frank) McDaniel - (D) - 26  
 Bob McKee - (R) - 74  
 Stephen A. McMillan - (R) - 95  
 Bryant Melton - (D) - 70  
 Michael J. Millican - (D) - 17  
 Warren A. Minnifield - (D) - 55  
 Joseph Mitchell - (D) - 103  
 Garreth Moore - (R) - 91  
 Neal Morrison - (D) - 12  
 Johnny Mack Morrow - (D) - 18  
 Albert G. Morton - (R) - 45  
 Jim Murphree - (D) - 27  
 Charles O. Newton - (D) - 90  
 Demetrius C. Newton - (D) - 53  
 John G. (Jack) Page - (D) - 29  
 Nelson Papucci - (R) - 4  
 Paul Parker - (D) - 9  
 Tim Parker - (D) - 63  
 Arthur Payne - (R) - 44  
 Walter E. Penry, Jr. - (R) - 94  
 George Perdue - (D) - 54  
 Tony Petelos - (R) - 51  
 Chris Pringle - (R) - 101  
 Thomas Reed - (D) - 82  
 John Robinson - (D) - 23  
 John W. Rogers, Jr. - (D) - 52  
 Mike Rogers - (R) - 36  
 Howard Sanderford - (R) - 20  
 Allen Sanderson - (R) - 43  
 Riley Seibenhener - (R) - 87  
 Larry P. Sims - (R) - 35  
 Curtis Smith - (D) - 42  
 Lewis G. Spratt - (D) - 59  
 Nelson R. Starkey, Jr. - (D) - 1  
 Dave Thomas - (R) - 49  
 James L. Thomas - (D) - 69  
 Jim Townsend - (R) - 50  
 J. E. Turner - (R) - 102  
 Pete Turnham - (D) - 79  
 Lesley Vance - (D) - 80  
 Jack B. Venable - (D) - 31  
 James E. Warren - (D) - 64  
 Frank P. (Skippy) White - (D) - 66  
 Gerald Willis - (D) - 34  
 Greg Wren - (R) - 75

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA  
FIRST EXTRAORDINARY SESSION 1996**

**OFFICERS**

JAMES S. CLARK, *Speaker*, Eufaula  
SETH HAMMETT, *Speaker Pro Tempore*, Andalusia  
WILLIAM G. (GREG) PAPPAS, *Clerk*, Montgomery  
DON LADNER, *Administrative Assistant*, Montgomery  
VANNAH W. NORRELL, *Chief Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr.....	158 Cedar Crest Drive, Florence 35630
2	LAUDERDALE James H. Hamilton.....	Route 3, Box 119, Rogersville 35652
3	COLBERT Marcel Black.....	P.O. Box 491, Tuscumbia 35674
4	LIMESTONE, MADISON, MORGAN Nelson Papucci.....	P.O. Box 541, Madison 35758
5	LIMESTONE Tommy Carter.....	18216 Upper Fort Hampton Road, Elkmont 35620
6	LIMESTONE, MADISON Lee Jorgensen.....	124 Stonemeadow Lane, Madison 35758
7	LAWRENCE, WINSTON Sam Letson.....	3980 Highway 36, Moulton 35650
8	MORGAN Bill J. Dukes.....	2209 Parkplace Street, S.E., Decatur 35601
9	MORGAN Paul Parker.....	606 Douglas Drive, N.W., Hartselle 35640
10	MADISON James C. Haney.....	809 Tannahill Drive, Huntsville 35802

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 11 CULLMAN, MORGAN  
Tom Drake.....P.O. Box 1165, Cullman 35055
- 12 CULLMAN  
Neal Morrison.....P.O. Box 1408, Cullman 35056
- 13 WALKER  
Thomas E. Hogan.....Route 10, Box 324B, Jasper 35501
- 14 TUSCALOOSA, WALKER, WINSTON  
Ken Guin.....P.O. Box 470, Carbon Hill 35549
- 15 JEFFERSON, SHELBY  
Johnny L. Curry.....3264 Fieldale Drive, Hueytown 35023
- 16 FAYETTE, LAMAR, PICKENS  
Sam Collins.....1019 13th Street, N.W., Fayette 35555
- 17 MARION, WINSTON  
Michael J. Millican.....Route 1, Box 71, Hamilton 35570
- 18 COLBERT, FRANKLIN  
Johnny Mack Morrow.....709 Carter Street, N.E., Red Bay 35582
- 19 MADISON  
Laura Hall.....P.O. Box 3274, Huntsville 35810
- 20 MADISON  
Howard Sanderford.....908 Tannahill Drive, S.E., Huntsville 35802-1971
- 21 MADISON  
Randy Hinshaw.....218 Constitution Drive, Meridianville 35759
- 22 JACKSON, MADISON  
Albert Hall.....Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON  
John Robinson.....3479 County Road 33, Scottsboro 35768

24	DEKALB	Ralph Burke.....P.O. Box 1564, Rainsville 35986
25	MARSHALL	Howard Hawk.....221 Cullman Road, Arab 35016
26	DEKALB, MARSHALL	W. F. (Frank) McDaniel.....P. O. Box 577, Albertville 35950
27	BLOUNT	Jim Murphree.....P.O. Box 1116, Oneonta 35121
28	ETOWAH	Joe M. Ford.....Gadsden State Community College P.O. Box 227, Gadsden 35902-0227
29	ETOWAH	John G. (Jack) Page.....314 Haralson Avenue, Gadsden 35901
30	ETOWAH, ST. CLAIR	Blaine Galliher.....P.O. Box 4353, Gadsden 35904-4353
31	COOSA, ELMORE	Jack B. Venable.....P.O. Box 736, Tallassee 36078
32	CALHOUN, TALLADEGA	Barbara B. Boyd.....2222 McDaniel Avenue, Anniston 36201
33	TALLADEGA	Ronald G. Johnson.....3770 Sylacauga-Fayette Highway, Sylacauga 35150
34	CALHOUN	Gerald Willis.....15695 Alabama Highway 9, Piedmont 36272
35	CALHOUN, TALLADEGA	Larry P. Sims.....540 Mahaffey Road, Eastaboga 36260
36	CALHOUN	Mike Rogers.....51 Pawnee Drive, Anniston 36206

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 37 CHAMBERS, CLAY, RANDOLPH  
Richard J. Laird.....1507 Bonner Drive, Roanoke 36274
- 38 CHAMBERS, LEE  
Bill Fuller.....P.O. Box 317, LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard J. Lindsey.....Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
Al Knight.....P.O. Box 1194, Pelham 35124
- 41 SHELBY  
Mike Hill.....114 Arlington Street, Columbiana 35051
- 42 CHILTON, SHELBY  
Curtis Smith.....16131 Highway 22, Clanton 35045
- 43 JEFFERSON  
Allen Sanderson.....126 Greenbriar Lane, Birmingham 35213
- 44 JEFFERSON  
Arthur Payne.....2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON  
Albert G. Morton.....833 Zellmark Drive, Birmingham 35235
- 46 JEFFERSON, SHELBY  
Jim Carns.....3 Office Park Circle, Suite 120, Birmingham 35223
- 47 JEFFERSON, SHELBY  
Mark L. Gaines.....201 Morris Boulevard, Homewood 35209
- 48 JEFFERSON  
John Hawkins.....1841 Montclair Drive, Birmingham 35216
- 49 ST. CLAIR  
Dave Thomas.....49 Forman Street, Springville 35146
- 50 JEFFERSON  
Jim Townsend.....5544 Lazy Acres Trail, Pinson 35126

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 51    **JEFFERSON**  
      Tony Petelos.....P.O. Box 40, Pleasant Grove 35127
- 52    **JEFFERSON**  
      John W. Rogers, Jr.....1424 18th Street, S.W., Birmingham 35211
- 53    **JEFFERSON**  
      Demetrius C. Newton.....512 10th Terrace West, Birmingham 35204
- 54    **JEFFERSON**  
      George Perdue.....P.O. Box 2473, Birmingham 35201
- 55    **JEFFERSON**  
      Warren A. Minnifield.....703 Miles Circle, Fairfield 35064
- 56    **JEFFERSON**  
      Lawrence McAdory.....1000 Barclay Drive, Bessemer 35023
- 57    **JEFFERSON**  
      Tommie L. Houston.....3709 Howard Avenue, S.W., Birmingham 35221
- 58    **JEFFERSON**  
      Earnest Johnson.....8531 Zion City Road, N., Birmingham 35206
- 59    **JEFFERSON**  
      Lewis G. Spratt.....3809 Fourth Street, West, Birmingham 35207
- 60    **JEFFERSON**  
      John R. Hilliard.....P.O. Box 11385, Birmingham 35202
- 61    **PICKENS, TUSCALOOSA**  
      Allen Layson.....P.O. Box 910, Reform 35481
- 62    **HALE, TUSCALOOSA**  
      Gerald Allen.....P.O. Box 71001, Tuscaloosa 35407
- 63    **TUSCALOOSA**  
      Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 64 **BALDWIN, CONECUH, MONROE**  
James E. Warren.....P.O. Box 207, Castleberry 36432
- 65 **CHOCTAW, CLARKE, WASHINGTON**  
Jeff Dolbare.....Star Route, Box 17, Bigbee 36510
- 66 **BALDWIN, ESCAMBIA**  
Frank P. (Skippy) White.....Route 1, Box 427-Pollard, Flomaton 36441
- 67 **DALLAS**  
Edward A. Maull.....2002 4th Avenue, Selma 36703
- 68 **CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE**  
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- 72 **HALE, MARENGO, PERRY, TUSCALOOSA**  
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- 73 **MONTGOMERY**  
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- 74 **MONTGOMERY**  
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- 75 **ELMORE, MONTGOMERY**  
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- 76 **MONTGOMERY**  
Thad McClammy.....3035 Rosa L. Parks Avenue, Montgomery 36105
- 77 **MONTGOMERY**  
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**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

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- 79 LEE  
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- 80 LEE, RUSSELL  
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- 81 TALLAPOOSA  
Betty Carol Graham.....Route 3, Box 222, Alexander City 35010
- 82 BULLOCK, LEE, MACON  
Thomas Reed.....P.O. Box 1324, Tuskegee 36087
- 83 LEE, RUSSELL  
George Bandy.....1001-A Sanford Court, Opelika 36801
- 84 BARBOUR, HENRY  
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- 85 DALE, HENRY, HOUSTON  
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- 86 HOUSTON  
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- 87 GENEVA, HOUSTON  
Riley Seibenhener.....Route 2, Box 166A, Hartford 36344
- 88 AUTAUGA, ELMORE  
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- 89 DALE, PIKE  
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- 90 BUTLER, CRENSHAW, LOWNDES  
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- 91 COFFEE  
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**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 92 COVINGTON  
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- 93 DALE, HOUSTON  
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- 94 BALDWIN  
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- 95 BALDWIN  
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- 96 MOBILE  
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- 97 MOBILE  
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 98 MOBILE  
William Clark.....711 South Atmore Avenue, Prichard 36612
- 99 MOBILE  
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
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- 101 MOBILE  
Chris Pringle.....111 McHugh Lane, Mobile 36608
- 102 MOBILE  
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- 103 MOBILE  
Joseph Mitchell.....465 Dexter Avenue, Mobile 36604
- 104 MOBILE  
Mike Dean.....3705 Scenic Drive, Mobile 36605
- 105 MOBILE  
R. P. (Phil) Crigler, Jr.....8040 Shannon Drive, Irvington 36544

**ALABAMA STATE SENATE  
ALPHABETICAL ROSTER, PARTY AND DISTRICT NUMBER  
FIRST EXTRAORDINARY SESSION 1996**

Dwight Adams - (R) - 31  
John Amari - (R) - 15  
Bill Armistead - (R) - 14  
Chip Bailey - (D) - 29  
Lowell Barron - (D) - 8  
Roger Bedford - (D) - 6  
Jack Biddle, III - (R) - 17  
Tom Butler - (D) - 2  
George Clay - (D) - 28  
Charles Davidson - (R) - 5  
Bobby E. Denton - (D) - 1  
Gerald Dial - (D) - 13  
Larry Dixon - (R) - 25  
Sundra Escott-Russell - (D) - 20  
Michael Figures - (D) - 33  
Dewayne Freeman - (D) - 7  
Doug Ghee - (D) - 12  
Don Hale - (R) - 4

Dell Hill - (R) - 11  
Charles Langford - (D) - 26  
W. H. (Pat) Lindsey - (D) - 22  
Albert Lipscomb - (R) - 32  
T. D. (Ted) Little - (D) - 27  
Edward (E. B.) McClain - (D) - 19  
Wendell Mitchell - (D) - 30  
Hinton Mitchem - (D) - 9  
H. E. (Hap) Myers, Jr. - (R) - 34  
Phil Poole - (D) - 21  
Tommy Ed Roberts - (D) - 3  
Hank Sanders - (D) - 23  
Roy Smith - (R) - 10  
Roger Smitherman - (D) - 18  
Charles Steele, Jr. - (D) - 24  
J. T. (Jabo) Waggoner - (R) - 16  
Steve Windom - (D) - 35

**ROSTER OF THE SENATE OF ALABAMA  
FIRST EXTRAORDINARY SESSION 1996**

**OFFICERS**

DON SIEGELMAN, *Lieutenant Governor*, Montgomery  
 MICHAEL FIGURES, *President Pro Tempore*, Mobile  
 CHARLES McDOWELL LEE, *Secretary*, Montgomery  
 D. PATRICK HARRIS, *Assistant Secretary*, Montgomery  
 DAVID AVANT, *Administrative Assistant*, Prattville  
 SUZAN McCLELLAND, *Chief Clerk*, Prattville

**MEMBERS OF THE SENATE**

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LIMESTONE, MADISON, MORGAN Tom Butler.....	136 Hartington Drive, Madison 35758
3	LAWRENCE, MORGAN, WINSTON Tommy Ed Roberts.....	P.O. Box 1268, Hartselle 35640
4	CULLMAN, MADISON, MORGAN Don Hale.....	P. O. Box 747, Cullman 35055-0747
5	JEFFERSON, SHELBY, TUSCALOOSA, WALKER, WINSTON Charles Davidson.....	Route 9, Box 439-K, Jasper 35501
6	COLBERT, FAYETTE, FRANKLIN, LAMAR, MARION, PICKENS, WINSTON Roger Bedford.....	P.O. Box 669, Russellville 35653
7	MADISON Dewayne Freeman.....	P.O. Box 3069, Huntsville 35810
8	DEKALB, JACKSON, MADISON Lowell Barron.....	P.O. Box 65, Fyffe 35971
9	BLOUNT, DEKALB, MARSHALL Hinton Mitchem.....	P.O. Box 297, Albertville 35950

# **ROSTER OF THE SENATE OF ALABAMA-Continued**

**10 ETOWAH, ST. CLAIR**

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**11 COOSA, ELMORE, TALLADEGA**

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**12 CALHOUN**

Doug Ghee.....P.O. Box 848, Anniston 36202

**13 CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, LEE, RANDOLPH**

Gerald Dial.....P.O. Box 248, Lineville 36266

**14 BIBB, CHILTON, SHELBY**

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**15 JEFFERSON**

John Amari.....9636 Parkway East, Birmingham 35215

**16 JEFFERSON, SHELBY**

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**17 JEFFERSON, ST. CLAIR**

Jack Biddle, III.....2256 Pinehurst Drive, Gardendale 35071

**18 JEFFERSON**

Rodger Smitherman.....2029 Second Avenue, N., Birmingham 35203

**19 JEFFERSON**

Edward (E. B.) McClain.....3826 Troy Terrace, Brighton 35020

**20 JEFFERSON**

Sundra Escott-Russell.....P.O. Box 8343, Birmingham 35218

**21 HALE, PICKENS, TUSCALOOSA**

Phil Poole.....P.O. Box 609, Moundville 35474

**22 BALDWIN, CHOCTAW, CLARKE, CONECUH, ESCAMBIA, MONROE, WASHINGTON**

W. H. (Pat) Lindsey.....126 South Mulberry Street, Butler 36904

**ROSTER OF THE SENATE  
OF ALABAMA-Continued**

- 23 CHOCTAW, CLARKE, CONECUH, DALLAS, LOWNDES, MARENGO, MONROE, WILCOX  
Hank Sanders.....P.O. Box 1305, Selma 36702
- 24 GREENE, HALE, MARENGO, PERRY, SUMTER, TUSCALOOSA  
Charles Steele, Jr.....P.O. Box 1396, Tuscaloosa 35401
- 25 ELMORE, MONTGOMERY  
Larry Dixon.....P.O. Box 946, Montgomery 36106
- 26 MONTGOMERY  
Charles Langford.....400 S. Union Street, Suite 205, Montgomery 36104
- 27 LEE, RUSSELL, TALLAPOOSA  
T. D. (Ted) Little.....P.O. Box 2366, Auburn 36830-2366
- 28 BARBOUR, BULLOCK, HENRY, LEE, MACON, RUSSELL  
George Clay.....P.O. Box 299, Tuskegee 36083
- 29 DALE, GENEVA, HENRY, HOUSTON  
Chip Bailey.....P.O. Box 6791, Dothan 36302
- 30 AUTAUGA, BUTLER, CRENSHAW, DALE, ELMORE, LOWNDES, PIKE  
Wendell Mitchell.....P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, DALE, HOUSTON  
Dwight Adams.....P. O. Box 1364, Enterprise 36331
- 32 BALDWIN, MOBILE  
Albert Lipscomb.....P.O. Box 209, Magnolia Springs 36555
- 33 MOBILE  
Michael Figures.....P. O. Box 10337, Prichard 36610
- 34 MOBILE  
H. E. (Hap) Myers, Jr.....P.O. Box 135, Mobile 36601
- 35 MOBILE  
Steve Windom.....P.O. Drawer 2025, Mobile 36652

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**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**STATE OF ALABAMA**  
**SECOND EXTRAORDINARY**  
**SESSION OF 1996**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING WEDNESDAY, JULY 17, 1996**



**Vol 1**

**WITH AN INDEX PREPARED BY THE**  
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**JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF ALABAMA  
SECOND EXTRAORDINARY SESSION  
OF 1996**

---

**FIRST DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, July 17, 1996**

Be it remembered that on the fifteenth day of July, 1996, His Excellency, Fob James, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

**STATE OF ALABAMA  
PROCLAMATION  
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Fob James, Jr. as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 5 o'clock on July 17, 1996 and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of one inspector or clerk from each major political party at each polling place statewide; to establish uniform polling hours; to provide criminal penalties for violations; and to repeal Section 17-6-6 of the Code of Alabama, 1975.

JOURNAL OF THE HOUSE, 1996  
1st Day

2. Legislation to provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed or unnotarized; to require individual voters to present certain identification at the on-site absentee polls as a prerequisite to voting; to provide for election officials at on-site absentee polling places; to establish on-site absentee uniform polling hours; to provide penalties; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama, 1975.

3. Local legislation which requires consideration by the legislature at this particular time.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State Capitol, in the City of Montgomery, on this the 15th day of July.



FOB JAMES, JR.  
Governor

ATTEST:

JIM BENNETT  
Secretary of State

Pursuant to such proclamation, at the hour of 5 o'clock on Wednesday, July 17, 1996, the Representatives in the Legislature of Alabama assembled in the Hall of the House of Representatives.

The House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

### PRAYER

The session was opened with prayer by Reverend Michael Pippy, Evangel Temple, Montgomery, Alabama.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cassie Morgan, 9th Grade, Cullman High School, Cullman, Alabama.

### OATH OF OFFICE

The Oath of Office prescribed by the Constitution of the State of Alabama was then administered to Honorable John (Jody) Letson by the Honorable James S. Clark, Speaker of the House of Representatives.



**1st Day**

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**ADJOURNMENT LOST**

The motion offered by Representative Holmes that the House adjourn sine die was lost.

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Hammett:

H.R. 1. NOTIFY SENATE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Hammett:

**H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 2, was adopted.

### **COMMITTEE APPOINTED**

The Speaker appointed as a committee on the part of the House, Representatives Hooper, Laird and Carns.

Also:

By Representative Hammett:

**H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Wednesday, July 17, 1996, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the Alabama State House for the joint session.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 3, was adopted.

**COMMITTEE APPOINTED**

The Speaker appointed as a committee on the part of the House, Representatives Hooper, Laird and Carns.

Also:

By Representative Hammett:

H.J.R. 4. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Wednesday, July 17, 1996, they adjourn to meet again on Thursday, July 18, 1996, and when they adjourn on Thursday, July 18, 1996, they adjourn to meet again on Friday, July 19, 1996.

**MOTION TO ADOPT**

Representative Hammett offered the motion to suspend the rules and adopt the resolution, H.J.R. 4.

**SUBSTITUTE OFFERED**

Representative Ford offered the following substitute to the resolution, H.J.R. 4:

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, July 17, 1996, we adjourn to meet again on Thursday, July 18, 1996, and when we adjourn on Thursday, July 18, 1996, we adjourn to meet again on Monday, July 22, 1996.

**SUBSTITUTE TABLED**

On motion of Representative Hammett, the substitute offered by Representative Ford to the resolution, H.J.R. 4, was tabled.

Yeas 60; Nays 26.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Hamilton,

Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Burke, Buskey, Dolbare, Ford, Galliher, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Knight (J), McAdory, McClammy, Melton, Minnifield, Morrison, Page, Perdue, Robinson, Rogers (J), Spratt and Thomas (J).

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### RESOLUTION ADOPTED

The question was then on the motion offered by Representative Hammett to suspend the rules and adopt the resolution, H.J.R. 4, and the resolution was adopted.

### MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 4:00 o'clock p.m. on Thursday, July 18, 1996, and when the House adjourns on Thursday, July 18, 1996, it adjourns to meet again at 9:00 o'clock a.m. on Friday, July 19, 1996, and the motion was adopted.

### RESOLUTIONS

The following resolutions were introduced:

By Representatives Drake, Turner and Rogers (J):

H.J.R. 5. AMENDING ACT NO. 95-438, HJR 382, ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A LEGISLATIVE RETIREMENT PROGRAM OR AN HONORARY LEGISLATIVE POSITION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last paragraph of Act No. 95-438, HJR 382 is amended to read as follows:

"The committee shall meet as soon as practicable after the adjournment of the 1996 Regular Session of the Legislature and shall select from among its members a chair and vice-chair. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The Chief Executive Officer of the Retirement Systems of Alabama shall provide the committee with the necessary support and expertise that may be required by such committee in its study and evaluation. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the second legislative day of the 1997 Regular Session, whereupon the committee shall stand dissolved and discharged of any further duties and liabilities. Any legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. Nonlegislative members of the committee shall not be entitled to compensation, mileage, or per diem expenses for service on the committee."

On motion of Representative Drake, the rules were suspended and the resolution, H.J.R. 5, was adopted.

Also:

By Representatives McMillan, White, Penry and Warren:

H.J.R. 6. EXPRESSING THE LEGISLATIVE INTENT OF ACT NO. 96-619, 1996 REGULAR SESSION.

The resolution, H.J.R. 6, was read and referred to the Standing Committee on Rules.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Starkey:

H. 1. To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

### COMMITTEE ON STATE ADMINISTRATION

By Representative Hawk:

H. 2. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755, 1996 Regular Session, relating to maximum

speed limits, to delete the provision that prohibits a municipality and municipal law enforcement officers from enforcing maximum speed limits within the police jurisdiction of the municipality outside of the corporate limits of the municipality.

## COMMITTEE ON HIGHWAY SAFETY

By Representative Clouse:

H. 3. To amend Sections 36-34-1 and 36-34-2, Code of Alabama 1975, to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

## COMMITTEE ON LOCAL GOVERNMENT

By Representative Perdue (With Notice and Proof):

H. 4. Relating to Jefferson County; to authorize in the unincorporated area of the county the regulation and restriction, by resolution or ordinance, of the installation, operation, and maintenance of automatic protection or signalling devices; to provide that the resolution or ordinance may prohibit the automatic transmission of a message or warning to the sheriff's department telephone line or number, may restrict persons from engaging in the business of selling, leasing, installing, repairing, or maintaining automatic protection devices or signalling devices unless the person maintains a service organization capable of repairing, maintaining, and servicing the devices, may restrict alarm equipment suppliers from selling, leasing, or installing any automatic protection device or signalling device without first filing with the sheriff's department information relative to the sale, lease, or installation, and may prohibit false alarms and establish responsibility for false alarms; to establish civil penalties for violations; and to provide for enforcement by the Sheriff of Jefferson County.

## COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 4, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Flowers:

H. 5. To amend Section 16-25-11.6 of the Code of Alabama 1975, to provide further for purchase of credit in the Teachers' Retirement System for service rendered as a teacher in a United States Army school under certain conditions.

## COMMITTEE ON WAYS AND MEANS

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By Representative Johnson (R):

H. 6. To add a new Section 22-21-265.2 to the Code of Alabama 1975, authorizing the State Health Planning and Development Agency to grant an exemption from certificate of need review for either the construction of a replacement of all or part of the beds of one or more nursing facilities or the transfer of nursing facility beds to another nursing facility in the same county, provided certain requirements are met.

COMMITTEE ON HEALTH

By Representative Seibenhener (With Notice and Proof):

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Curry (With Notice and Proof):

H. 8. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 8, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J) (With Notice and Proof):

H. 9. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised

horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

## COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J):

H. 10. To amend Section 17-7-5.1, Code of Alabama 1975, to provide that any person standing in line at the time a polling place closes would be entitled to vote.

## COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (J):

H. 11. To permit the sampling of beer in certain closed function, industry-related trade expositions, and to allow limited sampling of beer at such functions.

## COMMITTEE ON STATE ADMINISTRATION

By Representative Morrison:

H. 12. To amend Section 13A-5-49 of the Code of Alabama 1975, relating to aggravating circumstances for the imposition of the death penalty; to provide that the murder of two or more persons during one course of conduct by a defendant would be an aggravating circumstance which would warrant the imposition of the death penalty.

## COMMITTEE ON JUDICIARY

By Representative Hawkins:

H. 13. To amend Section 11-52-31, Code of Alabama 1975, relating to the adoption, publication, and certification of subdivision regulations by planning commissions; provisions therein as to arrangement, etc., of streets, etc.; provisions as to completion of streets, mains, etc.; and approval of subdivision plat.

## COMMITTEE ON LOCAL GOVERNMENT



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By Representative Guin:

H. 14. To amend Section 17-4-250 of the Code of Alabama 1975, to provide for voter identification at the polls of persons who register to vote under the state implementation of the National Voter Registration Act of 1993.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hawkins (With Notice and Proof):

H. 15. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 15, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrison, Millican, and Galliher:

H. 16. Relating to motor vehicle distinctive license tags so as to provide for distinctive motor vehicle license tags for members of the Freemasons, Scottish Rite Masons, Boy Scout supporters, Girl Scout supporters, and Emergency Medical Technicians; to also permit the purchase of "Educator" and "Retired Educator" tags by spouses by amending Section 36-6-302 of the Code of Alabama 1975, relating to distinctive license tags for "Educators" and "Retired Educators"; to provide for the disposition of the proceeds of the additional fees and costs of the distinctive tags; to provide for additional administrative provisions; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 17. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the Commission on Higher Education, in the amount of \$135,000 for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 18. To amend Section 11-88-7, Code of Alabama 1975, relating to the powers of a water, sewer, or fire protection authority by providing that an authority may compensate a director of the authority who serves as a manager of the water system of the authority.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 19. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

COMMITTEE ON WAYS AND MEANS

By Representatives Hamilton, Carter, and Starkey:

H. 20. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755 of the 1996 Regular Session, to provide further for enforcement of speed limits on highways by municipal law enforcement officers.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Willis, Sims, and Rogers (M):

H. 21. To make an appropriation of \$150,000 from the State General Fund to the Fort McClellan Reuse and Redevelopment Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Buskey, Box, Knight (J), and Clark (W):

H. 22. To amend Section 13A-7-41 of the Code of Alabama 1975, relating to arson in the first degree, requiring that a person convicted of arson of a religious building to serve a mandatory minimum term of imprisonment.

COMMITTEE ON JUDICIARY

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By Representatives White, Turner, Dolbare, Jackson, Ford, Warren, Millican, Box, Clark (J), Burke, Smith, Jorgensen, Venable, Hammett, Flowers, Buskey, and Baker:

H. 23. To establish the time period for hunting deer with dogs, and to repeal any law, rule, or regulation in conflict with this act.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Rogers (M):

H. 24. Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

The above bill was read a first time at length as required by the Constitution.

By Representatives Petelos, Gaines, Curry, and Hooper:

H. 25. To amend Section 17-7-18, Code of Alabama 1975, relating to proximity of persons to a polling place, to further prohibit a person from being within 100 feet of a polling place.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Rogers (M):

H. 26. To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to provide for a runoff election after the open primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, and 17-16-70 to 17-16-89, inclusive, Code of Alabama 1975.

**COMMITTEE ON CONSTITUTION AND ELECTIONS**

By Representative Gipson (With Notice and Proof):

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide

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for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 27, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hooper:

H. 28. To amend Section 12-21-6.1 of the Code of Alabama 1975, relating to the reproduction and delivery of medical records, to further provide for the release of medical records and the responsibility for costs and to increase the limitations on the reasonable costs and the search fee that may be charged by the provider of the records.

COMMITTEE ON HEALTH

By Representative Sims:

H. 29. To provide that no more than twenty-five percent of the \$92,877 appropriation from the Education Trust Fund to the Calhoun County-Education PAR Excellence program for fiscal year 1996-97 may be expended for administrative purposes and that funds shall be escrowed to subsidize previously awarded scholarships.

COMMITTEE ON EDUCATION

By Representatives Carns, Haney, Allen, Hawkins, Morton, Hooper, Thomas (D), Townsend, Seibenhener, Dean, McMillan, Rogers (M), Flowers, Sanderford, Gaines, Sanderson, Willis, Wren, Turner, McKee, Millican, Clouse, Hamilton, Layson, Pringle, Galliher, Maul, Fuller, Laird, Clark (J), Hammett, Curry, Jorgensen, Knight (A), Hill, Johnson (R), Gaston, Moore, Crigler, Penry, Sims, Carter, and Murphree:

H. 30. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; to establish uniform polling hours; and to provide criminal penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

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By Representative Sims (With Notice and Proof):

H. 31. Relating to Calhoun County; to prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of on-premise license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Burke:

H. 32. To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public four-year colleges and universities of the state.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 33. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 34. Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

COMMITTEE ON HEALTH

By Representative McKee:

H. 35. To amend Section 28-3A-25 of the Code of Alabama 1975, to provide further for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McKee and Morrison:

H. 36. To amend Section 17-16-6, Code of Alabama 1975, relating to the dates of holding primary elections, to provide that the primary election shall be held on the first Saturday in June and the runoff election shall be held on the last Saturday in June.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 37. To amend Section 9-15-82 of the Code of Alabama 1975, to provide that certain property interests of the Teachers' Retirement System, the Employees' Retirement System, the Judicial Retirement Fund, and the State Insurance Fund shall not be applicable to certain requirements of Article 3 of Chapter 15 of Title 9 of the Code of Alabama 1975; and to provide that this exclusion does not affect the tax status of the property.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 38. To amend Section 9-15-82 of the Code of Alabama 1975, to provide that certain property interests of the Teachers' Retirement System, the Employees' Retirement System, the Judicial Retirement Fund, and the State Insurance Fund shall not be applicable to certain requirements of Article 3 of Chapter 15 of Title 9 of the Code of Alabama 1975; and to provide that this exclusion does not affect the tax status of the property.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 39. To make a supplemental appropriation from the Voter Registration Fund and the General Fund in the State Treasury to the Voter Registration Identification Program, in the amounts of fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000), respectively, for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

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By Representative Hill (With Notice and Proof):

H. 40. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

**COMMITTEE ON LOCAL LEGISLATION NO. 7**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

**GREG PAPPAS, CLERK**

By Representatives Hill and Knight (A) (With Notice and Proof):

H. 41. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

**COMMITTEE ON LOCAL LEGISLATION NO. 7**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 41, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

**GREG PAPPAS, CLERK**

By Representative Hill:

H. 42. Providing for certain debit cards or credit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

**COMMITTEE ON BANKING**

By Representative Millican:

H. 43. To amend, Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the

arresting officer and to provide that a person arrested for failure to stop within a reasonable time, flee, or elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate, to amend Sections 32-5A-115 and 32-5A-193 of the Code of Alabama 1975, relating to the operation of emergency vehicles and to fleeing or attempting to elude a law enforcement officer; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

## COMMITTEE ON JUDICIARY

By Representative Drake:

H. 44. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

## COMMITTEE ON WAYS AND MEANS

By Representatives Dolbare, Turner, Hammett, Baker, Jackson, Buskey, White, Warren, and Box:

H. 45. To establish the time period for hunting deer with dogs and stalk deer hunting; and to repeal any law, rule, or regulation in conflict with this act.

## COMMITTEE ON STATE ADMINISTRATION

By Representative Smith:

H. 46. To amend Section 13A-9-13.3, Code of Alabama 1975, relating to negotiating worthless negotiable instruments, to exempt personal checks from certain procedural requirements.

## COMMITTEE ON BANKING

By Representatives Thomas (D) and Galliher:

H. 47. Relating to St. Clair County; proposing an amendment to the Constitution of Alabama of 1901; to authorize the Legislature to regulate and alter the costs and charges of court in St. Clair County; and to provide for the distribution of any additional revenue for the juvenile court system and juvenile programs in the county.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.



By Representative Venable:

H. 48. Relating to elections; to provide for an early voting period prior to the date of the actual election in addition to absentee voting; to amend Section 17-4-120 of the Code of Alabama 1975, to provide further for certain voter registration deadlines; and to amend Sections 17-10-3, 17-10-5, and 17-10-7 of the Code of Alabama 1975, to provide further for absentee voting and for the prevention of double voting in an election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 49. To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to provide further for counting absentee ballots; and to provide for a delayed effective date.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 50. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide criminal penalties for violations; and to provide for a delayed effective date.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 51. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 52. To amend Section 16-3-1, Code of Alabama 1975, to make retroactive to the general election of 1986 the concurrent election of members of the State Board of Education.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative McAdory:

H. 53. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to

provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

## COMMITTEE ON LOCAL GOVERNMENT

By Representative Turner:

H. 54. To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

## COMMITTEE ON OIL AND GAS

By Representative Wren:

H. 55. To exempt the Camp Smile-A-Mile from the payment of all state, county, and municipal sales and use taxes.

## COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 56. Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

## COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 57. To amend Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

## COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 58. Relating to Randolph County; proposing a local constitutional amendment to authorize and ratify previous expenditures of ad valorem tax proceeds and gasoline tax proceeds for certain county expenses related to landfill closures, grading and excavation of industrial parks, and computer purchases for county offices.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Galliher:

H. 59. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and others with obligations related to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

COMMITTEE ON BANKING

By Representative Galliher:

H. 60. Increasing the per diem allowance established by the Governor for state officers and employees.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 61. To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for specific exclusions from the gross receipts of utilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Laird, Clark (J), Hammett, Maull, Layson, Dolbare, Willis, Hawkins, Hooper, McKee, Carns, Morton, Townsend, Newton (C), Millican, Collins, Baker, Seibenhener, Dean, Allen, Haney, Thomas (D), Clouse, Rogers (M), Wren, McMillan, Flowers, Sanderford, Gaines, Sanderson, Hamilton, Galliher, Turnham, McDaniel, Pringle, Drake, Morrison, Turner, Dukes, Carter, Penry, Gipson, Fuller, Burke, Knight (A), Hogan, Gaston, Sims, Vance, Moore, Curry, Jorgensen, Murphree, Crigler, Graham, Starkey, Johnson (R), Hill, and Carothers:

H. 62. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Lindsey:

H. 63. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Federal Reserve System by a certain date.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 64. To amend Section 22-27-3, Code of Alabama 1975, relating to the authority of local governing bodies to provide for solid waste collection services and fees; to allow local governing bodies to adopt rules and regulations to provide exemptions from those services and fees.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representative Lindsey:

H. 65. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Houston:

H. 66. To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hooper:

H. 67. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

COMMITTEE ON STATE ADMINISTRATION

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By Representative Houston:

H. 68. To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

**COMMITTEE ON WAYS AND MEANS**

By Representative Drake:

H. 69. To provide the owner of a motor vehicle that passes a school bus which is stopped for the purpose of receiving or discharging passengers may be charged with a traffic violation even if the owner was not driving the motor vehicle at the time the traffic violation was committed; and to provide that charges against the owner shall be dropped if the owner can prove the identity of the driver.

**COMMITTEE ON JUDICIARY**

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 70. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 70, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Millican:

H.J.R. 7. COMMENDING WAYNE HUGHES FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

WHEREAS, the retirement of Wayne Hughes from Bevill State Community College brings to a close a long and distinguished career spanning more than 30 years of dedicated service to the college; and

WHEREAS, a native of Marion County, Alabama, Wayne Hughes attended Hamilton High School and Itawamba Junior College, and earned his B. S. degree from the University of North Alabama and a Master of Arts from the University of Mississippi; and

WHEREAS, following a brief but successful tenure of service with 3M in Guin, Alabama, Mr. Hughes joined the faculty at Bevill State, then Northwest Technical College, in 1965, where he presently serves as CIS Instructor and Division Chair of Business/CIS; and

WHEREAS, over his accomplished tenure at Bevill State, Mr. Hughes has not only made invaluable contributions in his areas of responsibility, but also has contributed significantly to the school's overall success and development; and

WHEREAS, a resident of Hamilton, Alabama, Mr. Hughes is a member of Fulton Bridge Baptist Church, and is listed in Who's Who in American Community Colleges; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, and in recognition of his outstanding tenure of service to Bevill State Community College, highest commendation is hereby accorded Wayne Hughes, for whom a copy of this resolution shall be provided with sincere regard and best wishes for continued happiness and success in retirement.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 7, was adopted.

Also:

By Representative Millican:

H.J.R. 8. COMMENDING ELTON B. CAMP FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

WHEREAS, the retirement of Elton B. Camp brings to a close a distinguished career of service to Bevill State Community College as Assistant Dean of Instruction (1993-1996); and

WHEREAS, born in Albertville in Marshall County, Alabama, the son of Howard and Eloise Camp, Elton Camp earned his B.S. degree from Jacksonville State University, a Master of Arts degree from Peabody College, and pursued graduate studies at the University of Alabama; and

WHEREAS, following successful tenures of service at Columbus High School, Columbus, Georgia (1962-67), and Northwest Community College in Phil Campbell, Tuscumbia and Hamilton, Alabama (1967-93), Mr. Camp joined the faculty at Bevill State in 1993; and

WHEREAS, over his career at Bevill State, Mr. Camp has not only contributed significantly in his area of responsibility, but also has played a prominent role in the school's overall success and development, and his accomplished tenure is indeed reflective of his outstanding leadership abilities; and

WHEREAS, beyond his assigned duties and responsibilities, he has served as Public Relations Officer, Division Chair of Science/Math, advisor of College Bowl, and Assistant Director of the Bevill State Self-Study; and

WHEREAS, a resident of Russellville, Alabama, since 1967, Mr. Camp and his wife, Delorise Camp, are the parents of one daughter, Maria; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, and in recognition of his outstanding tenure of service to Bevill State Community College, highest commendation is hereby accorded Elton B. Camp, for whom a copy of this resolution shall be provided with sincere regard and best wishes for continued happiness and success in retirement.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 8, was adopted.

Also:

By Representative Millican:

H.J.R. 9. COMMENDING FRED H. SULLINS FOR OUTSTANDING SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Fred H. Sullins, who is retiring following almost 20 years of faithful service to Bevill State Community College; and

WHEREAS, a native of Marion County, Alabama, Fred Sullins received his diploma from Hamilton High School and for more than four decades worked in such capacities as school bus driver, butcher, State Highway Department employee, with 3M in Guin, Alabama, and, since 1977, as a valued member of the support staff of Bevill State Community College; and

WHEREAS, throughout his dedicated tenure at Bevill State, Fred Sullins has been greatly admired as a loyal and dependable employee, and most highly regarded for the responsible manner in which he has undertaken and discharged his many duties and responsibilities as Maintenance Supervisor, and he will be greatly missed; and

WHEREAS, a resident of Hamilton, Alabama, Mr. Sullins serves as deacon of Popular Log Baptist Church in Hamilton, and, over the years, has received such recognitions as Pork Producer of 1991, by the Marion County Farmers Federation and as Support Staff Member of the Year, 1992-93; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, and in tribute to his many years of outstanding service to Bevill State Community College, highest commendation is hereby extended to Fred H. Sullins of Hamilton, Alabama, for whom a copy of this resolution shall be provided with sincere regard and best wishes for continued happiness and success in retirement.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 9, was adopted.

Also:

By Representative Millican:

H.J.R. 10. COMMENDING RUTH PALMER FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

WHEREAS, the retirement of Ruth Palmer brings to a close a distinguished career of service to Bevill State Community College as chair of the Liberal Arts Division and instructor in English and Speech; and

WHEREAS, a native of Franklin County, Alabama, Ms. Palmer earned her B.S. degree from Florence State Teacher's College (now the University of North Alabama); a Master's and Education Specialist certification from the University of North Alabama; and pursued graduate study at the University of Mississippi; and

WHEREAS, following successful tenures of service at Hackleburg High School, Hackleburg, Alabama (1956-61); Hamilton High School, Hamilton, Alabama (1961-87); and Northwest Alabama Community College (1987-93), Ms. Palmer joined the faculty at Bevill State in 1993; and

WHEREAS, over her dedicated tenure at Bevill State, Ms. Palmer has not only made significant contributions in her areas of responsibility, but has contributed substantially to the school's overall success and development, and her accomplished tenure is indeed reflective of her outstanding abilities; and

WHEREAS, she also has provided generous leadership and support to her community, serving in such capacities as speaker for the Fine Arts Club, as a member of the Board of Directors for Bevill Community Theatre, sponsor of the campus student newspaper, instructor of creative writing courses for the community, and as a dedicated member of the Hamilton Church of Christ; and



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WHEREAS, in tribute to her many contributions and achievements, Ms. Palmer has been the recipient of numerous distinctions and awards including Kiwanis Club Citizen of the Year, Who's Who in American Education, Who's Who Among Southern Women, and Who's Who Among American Teachers, to name a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of her retirement, and in recognition of her outstanding tenure of service to Bevill State Community College, highest commendation is hereby accorded Ruth Palmer of Hamilton, Alabama, for whom a copy of this resolution shall be provided with sincere regard and best wishes for every future happiness and success.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 10, was adopted.

Also:

By Representative Clouse:

H.J.R. 11. COMMENDING JAKE CREEL OF DOTHAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to acknowledge and commend young Alabamians of outstanding achievement, the Legislature of Alabama takes great pleasure in recognizing Jake Creel of Dothan, Alabama, who captured the 10-Under Division Title at the 47th Press Thornton Future Masters Golf Tournament held recently at the Dothan Country Club; and

WHEREAS, in a thrilling display of skill and ability, young Jake, a Dothan native and the son of Doug and Susan Creel, dueled David Tiffenberg on the back nine to a tie at 80, and a forced playoff on the par-4, No. 14, where a missed putt for par by Tiffenberg gave Creel the victory and Dothan its one and only winner in Future Masters competition; and

WHEREAS, Jake Creel is indeed a fine young man and a worthy champion who is deserving of recognition and applause for his outstanding success and achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation and heartiest congratulations are hereby extended to Jake Creel of Dothan, Alabama, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Representative Clouse, the rules were suspended and the resolution, H.J.R. 11, was adopted.

Also:

By Representative Houston:

H.J.R. 12. MOURNING THE DEATH OF EMMALINE ARCHIBALD JOHNSON OF BIRMINGHAM, ALABAMA.

WHEREAS, herein noted with deep and profound sorrow is the death of Emmaline Archibald Johnson of Birmingham, Alabama, on July 1, 1996; and

WHEREAS, a beloved and highly respected member of the Birmingham community, Emmaline Johnson graduated from Paine College, pursued graduate studies at the University of Alabama-Birmingham and, until her retirement, served with distinction as a teacher with the Jefferson County Board of Education; and

WHEREAS, throughout her lifetime, Emmaline Johnson exhibited both by word and deed her consuming interest in the welfare and well-being of her community and others, and, through her dedicated endeavors on their behalf, and through leadership and support of her church, Trinity AME Zion Church, and numerous other activities of community concern, exerted a profound influence on all those whose lives she touched; and

WHEREAS, preceded in death by her husband, the late Reverend George E. Archibald, Mrs. Johnson is survived by her three children, Linda, Doris, and Eugene Johnson; and

WHEREAS, the lamentable death of Emmaline Johnson has indeed left an unfathomable void in the life of the community, and in the hearts of her loving family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed grieved by the death of Emmaline Archibald Johnson of Birmingham, Alabama, and extend heartfelt sympathy to her beloved family, whose sorrow we share, and for whom a copy of this resolution shall be provided.

On motion of Representative Houston, the rules were suspended and the resolution, H.J.R. 12, was adopted.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Amari, Hill, and Adams.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

**COMMITTEE APPOINTED**

The Speaker appointed as a committee on the part of the House, Representatives Hooper, Laird and Carns.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators: Amari, Hill, and Adams.

McDOWELL LEE  
Secretary

**RESOLUTIONS**

The following resolution was introduced:

By Representatives Sims, Willis, Rogers (M) and Boyd:

H.J.R. 13. NAMING THE ANNISTON WESTERN BY-PASS THE DONALD G. HOLMES BY-PASS.

The resolution, H.J.R. 13, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Houston:

H.R. 14. MOURNING THE DEATH OF EMMALINE ARCHIBALD JOHNSON OF BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 15. COMMENDING MIKE BOX ON SELECTION AS PRESIDENT-ELECT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES.

The resolution, H.J.R. 15, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 16. COMMENDING COMMANDER WANDA L. RIDDLE ON HER OUTSTANDING ACHIEVEMENTS AND WISHING HER GODSPEED IN HER NEW ASSIGNMENT.

## RECESS

On motion of Representative Hammett, the House recessed until 6:30 o'clock p.m.

## JOINT SESSION

Pursuant to the resolution, H.J.R. 3, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Michael Figures, President Pro Tem and Presiding Officer of the Senate.

His Excellency, Fob James, Governor of the State of Alabama, appeared before the joint session and delivered the following message:

Mr. Speaker, Gov. Siegelman, Senators and Representatives, I welcome you here to begin the second special session of our term.

I call this Special Session to address an emergency issue. That issue is honest elections, and it is a totally non-partisan issue. Other issues are important, but they do not constitute an emergency and can be addressed in the next Regular Session.

On November 8, 1994, almost two years ago the people of Alabama went to the polls to elect a governor, Lt. governor, chief justice of the Alabama Supreme Court, state treasurer, members of the Alabama Legislature, and other public officials.

However, due to a disputed vote count, the Chief Justice of the Alabama Supreme Court, Justice Perry Hooper, Sr., a Republican, and the Alabama State Treasurer, Ms. Lucy Baxley, a Democrat, were not certified until October 20, 1995 - 11 months after the election. In addition, there were allegations of voter fraud in other races throughout the state. The litigation surrounding the 1994 General Election cost the taxpayers of Alabama hundreds of thousands of dollars and totally disrupted our electoral process.

Alabama history tells us that a difference of 200, 1,000, 5,000, or 10,000 votes has been the difference in winning or losing many elections. Consequently, just a very few dishonest votes can actually void hundreds of thousands of honest votes in any statewide election.

In November, Alabamians will go to the polls to vote for a president of the United States, a U.S. senator, seven U.S. congressmen and other officials. I believe we should act now to prevent a repeat of the 1994 "vote count" fiasco. That is why the issue of honest elections constitutes an emergency worthy to be addressed by Special Session.

I have proposed an Absentee Ballot bill and a Voter ID bill that I believe will deter voter fraud and provide ballot security to a reasonable extent and at the same time enhance voter participation.

The Absentee Ballot bill makes it crystal clear that in order for an absentee ballot to be counted, it must be signed by the voter and witnessed by two persons over the age of 18, or it must be notarized. Substantial compliance is out.

SECOND EXTRAORDINARY SESSION  
1st Day

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Further, at present there are four legal reasons to obtain an absentee ballot: 1) if one is incapacitated, 2) if one works a 10-hour shift that coincides with polling hours, 3) if one is in the military, and 4) if one will be out of town on election day. Over 70 percent of absentee ballots are issued for the reason that one is out of town on election day. In order to reduce absentee ballots in this case, the bill will allow those citizens who will be out of town on election day two extra days to vote an absentee ballot in person. The two extra days include:

1) Tuesday, seven days before the election at the county courthouse and auxiliary courthouses from 8:00 a.m. to 5:00 p.m.; and, 2) Saturday, 10 days before the election at the county courthouse from 8:00 a.m. to 12:00 Noon. The new law simply requires that you be out of town on election day and the two extra days to qualify for an absentee ballot by mail.

The Voter ID bill strengthens the integrity of elections by requiring citizens to show some form of identification before they vote so all of us 18 years or older and alive can vote one time. A citizen with no ID can still vote by challenged ballot and when identify is confirmed, the vote is counted.

This bill mandates uniform polling hours of 7:00 a.m. to 8:00 p.m. 13 hours, to help men and women who want to vote but travel a long way to work and get home late. The bill also requires that inspectors and clerks at the polling sites be selected by equal representation from lists submitted by the respective political parties that comprised the majority vote in the last presidential election.

Time is of the essence because upon your passing this legislation we must obtain approval from the U.S. Department of Justice before implementation in the November, 1996, General Election.

I respectfully request that you adhere to the Call of this Special Session and enact the proposed two "honest election bills" as soon as possible, five to seven days. Let us put first things first. Honest government begins with honest elections. Thank you.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 4:00 o'clock p.m., Thursday, July 18, 1996.

**SECOND DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, July 18, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Mark D. LaBranche, St. Marks Methodist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Blane Dolbare, 6th Grade, Millry Elementary School, Millry, Alabama, and Robert Dolbare, 8th Grade, Dallas County High School, Selma, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.



**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with.

**LEAVES OF ABSENCE**

At the request of Representative Dolbare, leave of absence was granted for Representative Hogan.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Guin.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 6. EXPRESSING THE LEGISLATIVE INTENT OF ACT NO. 96-619, 1996 REGULAR SESSION.

WHEREAS, Act No. 96-619, 1996 Regular Session, relating to court costs of court proceedings in Baldwin County, amended Act No. 85-684 and provided for a fee of one dollar and fifty cents (\$1.50) in civil and quasi-civil actions, equity, criminal, quasi-criminal cases, proceedings on a forfeited bail or proceedings on a forfeited bond in connection with an appeal from a judgment of conviction in any district or municipal court to each circuit court or to the juvenile court of the Circuit Court or Juvenile Court of Baldwin County; and

WHEREAS, the language providing for these court costs was inadvertently deleted from Section 2 of the act; and

WHEREAS, Section 2 of Act No. 96-619 should read as follows:

"Section 2. In order to provide a special fund for the creation and maintenance of the library and for the purposes of judicial administration as further specified in this act, there shall be taxed as costs the sum of one dollar and fifty cents (\$1.50) in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail or a proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any district or municipal court to each circuit court or to the juvenile court hereinafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court or to the Juvenile Court of Baldwin County, Alabama. The costs shall be collected as other costs in cases are collected by the clerk of the court and shall be paid to the Baldwin County Commission."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Legislature that court costs would be charged in court proceedings in Baldwin County.

On motion of Representative Carter, the resolution, H.J.R. 6, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 13. NAMING THE ANNISTON WESTERN BY-PASS THE DONALD G. HOLMES BY-PASS.

WHEREAS, our friend and former colleague, Donald G. Holmes was a member of the House of Representatives from 1975-1978 and a member of the Senate from 1978-1982, 1982-1986, and 1986-1990, serving with distinction and leadership the citizens of the Anniston/Calhoun County area; and

WHEREAS, Donald Holmes was instrumental in the implementation and development of the Anniston Western By-Pass, and it is appropriate to recognize his continuing efforts in bringing this project to completion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Anniston Western By-Pass from the I-20 exit to the existing State Highway 202 be named the "Donald G. Holmes By-Pass."

BE IT FURTHER RESOLVED, That the proper authorities are authorized and requested to erect signs and markers designating the Donald G. Holmes By-Pass in accordance with this resolution.

On motion of Representative Carter, the resolution, H.J.R. 13, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 15. COMMENDING MIKE BOX ON SELECTION AS PRESIDENT-ELECT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES.

WHEREAS, it is with special pleasure that we note the selection of our friend and colleague, Representative Mike Box, as President-elect of the National Conference of State Legislatures (NCSL); and

WHEREAS, Representative Box's selection as President-elect follows many years of dedicated service and leadership with NCSL which includes service on the NCSL Executive Committee, Vice-President of NCSL, Chair and Vice-Chair of the NCSL Committee on Law and Justice, and Vice-Chair of the NCSL State-Federal Assembly; and

WHEREAS, Representative Box's keen interest in and extensive knowledge of the legislative process will enhance his leadership role with the NCSL in its mission of encouraging the exchange of information and ideas between the public and private sectors, and the study and debate of key public policy issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Representative Mike Box on his selection as President-elect of the National Conference of State Legislatures, and extend to him our best wishes for a successful and productive tenure as President.

RESOLVED FURTHER, That a copy of this resolution be presented to Mike Box as an expression of our sincere appreciation of and pride in this notable accomplishment.

On motion of Representative Carter, the resolution, H.J.R. 15, was adopted.

**BILLS ON SECOND READING**

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 62. (With Amendments): To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed

and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 30. (With Amendment): To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; to establish uniform polling hours; and to provide criminal penalties for violations.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 33. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 32. (With Substitute): To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public four-year colleges and universities of the state.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 67. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

H. 1. To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

H. 23. To establish the time period for hunting deer with dogs, and to repeal any law, rule, or regulation in conflict with this act.

H. 45. To establish the time period for hunting deer with dogs and stalk deer hunting; and to repeal any law, rule, or regulation in conflict with this act.

H. 37. To amend Section 9-15-82 of the Code of Alabama 1975, to provide that certain property interests of the Teachers' Retirement System, the Employees' Retirement System, the Judicial Retirement Fund, and the State Insurance Fund shall not be applicable to certain requirements of Article 3 of Chapter 15 of Title 9 of the Code of Alabama 1975; and to provide that this exclusion does not affect the tax status of the property.

H. 38. To amend Section 9-15-82 of the Code of Alabama 1975, to provide that certain property interests of the Teachers' Retirement System, the Employees' Retirement System, the Judicial Retirement Fund, and the State Insurance Fund shall not be applicable to certain requirements of Article 3 of Chapter 15 of Title 9 of the Code of Alabama 1975; and to provide that this exclusion does not affect the tax status of the property.

H. 35. To amend Section 28-3A-25 of the Code of Alabama 1975, to provide further for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code.

H. 11. To permit the sampling of beer in certain closed function, industry-related trade expositions, and to allow limited sampling of beer at such functions.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 25. (With Amendment): To amend Section 17-7-18, Code of Alabama 1975, relating to proximity of persons to a polling place, to further prohibit a person from being within 100 feet of a polling place.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 36. To amend Section 17-16-6, Code of Alabama 1975, relating to the dates of holding primary elections, to provide that the primary election shall be held on the first Saturday in June and the runoff election shall be held on the last Saturday in June.

H. 10. To amend Section 17-7-5.1, Code of Alabama 1975, to provide that any person standing in line at the time a polling place closes would be entitled to vote.

H. 14. To amend Section 17-4-250 of the Code of Alabama 1975, to provide for voter identification at the polls of persons who register to vote under the state implementation of the National Voter Registration Act of 1993.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. Relating to elections; to provide for an early voting period prior to the date of the actual election in addition to absentee voting; to amend Section 17-4-120 of the Code of Alabama 1975, to provide further for certain voter registration deadlines; and to amend Sections 17-10-3, 17-10-5, and 17-10-7 of the Code of Alabama 1975, to provide further for absentee voting and for the prevention of double voting in an election.

H. 49. To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to provide further for counting absentee ballots; and to provide for a delayed effective date.

H. 50. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide criminal penalties for violations; and to provide for a delayed effective date.

H. 51. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

H. 52. To amend Section 16-3-1, Code of Alabama 1975, to make retroactive to the general election of 1986 the concurrent election of members of the State Board of Education.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 66. (With Substitute): To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 13. To amend Section 11-52-31, Code of Alabama 1975, relating to the adoption, publication, and certification of subdivision regulations by planning commissions; provisions therein as to arrangement, etc., of streets, etc.; provisions as to completion of streets, mains, etc.; and approval of subdivision plat.

H. 3. To amend Sections 36-34-1 and 36-34-2, Code of Alabama 1975, to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755, 1996 Regular Session, relating to maximum speed limits, to delete the provision that prohibits a municipality and municipal law enforcement officers from enforcing maximum speed limits within the police jurisdiction of the municipality outside of the corporate limits of the municipality.

H. 20. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755 of the 1996 Regular Session, to provide further for enforcement of speed limits on highways by municipal law enforcement officers.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 9. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised

horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 8. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 15. (With Amendment): Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 40. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:



H. 41. (With Amendment): Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

#### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 5. AMENDING ACT NO. 95-438, HJR 382, ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A LEGISLATIVE RETIREMENT PROGRAM OR AN HONORARY LEGISLATIVE POSITION.

McDOWELL LEE  
Secretary

#### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

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And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Amari, Hill, and Adams.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 7. COMMENDING WAYNE HUGHES FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 8. COMMENDING ELTON B. CAMP FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 9. COMMENDING FRED H. SULLINS FOR OUTSTANDING SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 10. COMMENDING RUTH PALMER FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 11. COMMENDING JAKE CREEL OF DOTHAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 12. MOURNING THE DEATH OF EMMALINE ARCHIBALD JOHNSON OF BIRMINGHAM, ALABAMA.

McDOWELL LEE  
Secretary

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**RESOLUTION**

The following resolution was introduced:

By Representatives Morrison and Hall (L):

H.J.R. 17. COMMENDING WIN HARRIS FOR OUTSTANDING CONTRIBUTIONS TO THE SELDON CENTER, HUNTSVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Win Harris for his outstanding contributions to the success of the Seldon Center, Huntsville, Alabama; and

WHEREAS, the mission of the Seldon Center is to provide an alternative educational program and opportunities for school children and adults with special needs and problems that they might achieve to become useful and productive citizens; and

WHEREAS, the center offers programs in such areas as Adult Literacy, GED Preparation, Computer-assisted Instruction, Homebound Education, Parent Education and Future Parenting Education, and Night Programs for High School Students, among others; and

WHEREAS, under the capable leadership and direction of Director Win Harris, Seldon Center has experienced phenomenal success and, most recently during the 1995-96 term, among numerous accomplishments, 119 Seldon Center students received high school or GED diplomas; a Seldon Center student was the recipient of a \$500 ACE Award from the Greater Huntsville Exchange Club; and Seldon Center students participated in the national competition of News Currents Student Editorial Cartoon Contest with one student being published; and

WHEREAS, also of especial note, the Seldon Center, which houses the only NovaNET lab for computer-assisted instruction in the state, received national attention as a Model Inclusion School by NovaNET, and school administration and personnel from across the South visited the Center for the purpose of reviewing this new and innovative alternative approach; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his many exemplary contributions and achievements as Director of the Seldon Center, Huntsville, Alabama, highest commendation is hereby accorded Win Harris, for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Morrison, the rules were suspended and the resolution, H.J.R. 17, was adopted.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrison:

H. 71. To amend Section 34-37-4, and Section 34-37-6, as amended by Act No. 96-795 of the 1996 Regular Session, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board; to provide for an increase in compensation for members of the board and to clarify that an applicant for master gas fitter examination must be a journeyman gas fitter.

### COMMITTEE ON STATE ADMINISTRATION

By Representatives Maull and Thomas (J) (With Notice and Proof):

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838, 1996 Regular Session, which levies a sales and use tax in the county, to decrease the tax levied on the sale of certain machinery and automobiles and providing for a retroactive effect.

### COMMITTEE ON LOCAL LEGISLATION NO. 1

SECOND EXTRAORDINARY SESSION  
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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 72, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Jackson, Baker, Boyd, and Hall (L):

H. 73. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

COMMITTEE ON WAYS AND MEANS

By Representatives Jackson, Baker, Boyd, and Hall (L):

H. 74. Providing for distinctive motor vehicle license tags or plates for members of the Kiwanis International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, and Houston:

H. 75. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to provide for the disposition of net revenues and establish certain trust funds; to permit reciprocal agreements with other states.

COMMITTEE ON TOURISM, ENTERTAINMENT  
AND SPORTS

The above bill was read a first time at length as required by the Constitution.

By Representatives Rogers (J), McAdory, and Houston:

H. 76. To establish a state lottery and prescribe the terms and conditions for its operation; create an Alabama State Lottery Commission and provide for its composition, powers, and duties; provide for funding of the lottery and the disposition of the proceeds; and prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT  
AND SPORTS

By Representative Graham:

H. 77. To require the posting of personnel vacancy positions by public school systems, public schools or colleges under the control and auspices of the State Board of Education and certain other public educational institutions before the positions are filled; to establish definitions; and to provide for the adoption of board policies, including temporary emergency situations.

COMMITTEE ON EDUCATION

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Poole, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 5. COMMENDING KATE RANDALL AS 1996 PRESIDENT OF GIRLS NATION.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Morrison, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate.

**RESOLUTIONS**

The following resolution was introduced:

By Representative Rogers (J):

**H.J.R. 18. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.**

WHEREAS, effective December 31, 1996, Ms. Elmira Higginbotham will retire following almost 25 years of distinguished service to the University of Alabama-Birmingham (UAB); and

WHEREAS, over the years of her successful tenure at UAB, Ms. Higginbotham has ably served as Library Assistant in the Media Center of the Mervyn Sterne Library (1972-1980); contributed significantly to the success of the Special Academic Programs of UAB Special Studies in its service of the nontraditional students of UAB (1980-1984); and administered with acumen the many facets of the Office of the Dean of UAB Special Studies and Assistant Provost for Educational Outreach since 1984; and

WHEREAS, in her role as a continuing education professional, Ms. Higginbotham has exhibited a commitment to educational excellence, serenity under pressure, and extraordinary qualities of leadership and ability; and

WHEREAS, among many praiseworthy efforts and achievements, Ms. Higginbotham has directed the development of human resources within UAB Special Studies, mindful of the unique value and potential of each individual, and has participated in the initiation and fostered the growth of the Minority Business Development and Training Program which provides educational programs and technical assistance for owners of minority enterprises to enhance their competitiveness, and to sustain their subsequent success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of her retirement, and in tribute to her outstanding tenure of service at UAB and to the education and advancement of the nontraditional, special student, highest commendation is hereby accorded Ms. Elmira Higginbotham, for whom a copy of this resolution of sincere gratitude and esteem shall be provided.

On motion of Representative Rogers (J), the rules were suspended and the resolution, H.J.R. 18, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Rogers (J):

H.R. 19. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

The following resolution was introduced:

By Representatives Rogers (J) and Thomas (J):

H.J.R. 20. COMMENDING MRS. MARGARET BRAZEAL SHUFF ON HER 90TH BIRTHDAY.

WHEREAS, it is with warm affection and heartfelt congratulations that Mrs. Margaret Brazeal Shuff is recognized on the occasion of her 90th birthday, July 20, 1996; and

WHEREAS, adored and loved by her family and friends, Mrs. Shuff, who was one of two girls and six boys born to Joseph Edward and Maggie Ray Badger Brazeal, was married to the late Leonard C. Shuff on July 2, 1938; and

WHEREAS, retired from the Internal Revenue Service, and an active and life-long member of Woodlawn Methodist Church, Mrs. Shuff played the violin with the Birmingham Symphony Orchestra, raised parakeets, and showed and raised cocker spaniels; she also enjoyed extensive travel in the United States and abroad; and

WHEREAS, a descendant of Frederick Hatcher, she is a member of the Princess Sehoy Chapter of the Daughters of the American Revolution, and enjoys sewing, crocheting, tatting, knitting, and quilting; and

WHEREAS, Margaret Brazeal Shuff has a wealth of knowledge and keen sense of humor, and is adored and admired by her countless nieces and nephews, including her great-great-nieces and nephews; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends of Mrs. Margaret Brazeal Shuff in celebrating her 90th birthday, and do further direct that she receive a copy of this resolution executed in sincere admiration and esteem, and with all best wishes for many years to come.

On motion of Representative Rogers (J), the rules were suspended and the resolution, H.J.R. 20, was adopted.



**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Freeman:

**S.J.R. 6. BINDING OF ACTS AND JOURNALS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Acts of the 1996 Regular Session, the 1996 First and Second Special Sessions, and any other 1996 Special Session be bound together and that the Journals of the 1996 Regular Session be bound separately from the 1996 First and Second Special Sessions and any other 1996 Special Session.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 6, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

**S.J.R. 2. COMMENDING GRADY LILES ON HIS OUTSTANDING SERVICE AND ACHIEVEMENTS.**

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 2, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ghee:

S.J.R. 3. DESIGNATING THE ALABAMA INTERNATIONAL AIR SHOW AS THE OFFICIAL INTERNATIONAL AIR SHOW OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 3, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 4. COMMENDING THE LATE LIEUTENANT PAUL JORDAN SMITH, III, FOR OUTSTANDING SERVICE TO HIS COUNTRY.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 4, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Houston:

H.R. 21. HONORING MRS. ODELL JEMISON EVANS.

Also:

By Representative Houston:

H.R. 22. HONORING MRS. MARY LEWIS ROWELL HARDY.

Also:

By Representative Morrison:

H.R. 23. COMMENDING WIN HARRIS FOR OUTSTANDING CONTRIBUTIONS TO THE SELDON CENTER, HUNTSVILLE, ALABAMA.

Also:

By Representative McAdory:

H.R. 24. COMMENDING ARTHUR LONG, SR., OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

By Representatives Rogers (J) and Thomas (J):

H.R. 25. COMMENDING MRS. MARGARET BRAZEAL SHUFF ON HER 90TH BIRTHDAY.

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 9:00 o'clock a.m., Friday, July 19, 1996.

JOURNAL OF THE HOUSE, 1996  
3rd Day

**THIRD DAY**

**House of Representatives  
Montgomery, Alabama  
Friday, July 19, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Morrison.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jeffrey Taylor, 8th Grade, Edward White Middle School, Huntsville, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 2. COMMENDING GRADY LILES ON HIS OUTSTANDING SERVICE AND ACHIEVEMENTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 2.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 4. COMMENDING THE LATE LIEUTENANT PAUL JORDAN SMITH, III, FOR OUTSTANDING SERVICE TO HIS COUNTRY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 4.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 6. BINDING OF ACTS AND JOURNALS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 6.

### **BILLS ON SECOND READING**

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 77. To require the posting of personnel vacancy positions by public school systems, public schools or colleges under the control and auspices of the State Board of Education and certain other public educational institutions before the positions are filled; to establish definitions; and to provide for the adoption of board policies, including temporary emergency situations.

H. 29. To provide that no more than twenty-five percent of the \$92,877 appropriation from the Education Trust Fund to the Calhoun County-Education PAR Excellence program for fiscal year 1996-97 may be expended for administrative purposes and that funds shall be escrowed to subsidize previously awarded scholarships.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

H. 75. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to provide for the disposition of net revenues and establish certain trust funds; to permit reciprocal agreements with other states.

The above bill was read a second time at length as required by the Constitution.

H. 76. To establish a state lottery and prescribe the terms and conditions for its operation; create an Alabama State Lottery Commission and provide for its composition, powers, and duties; provide for funding of the lottery and the disposition of the proceeds; and prescribe penalties for certain violations.

Representative Gaston, Chairperson of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 54. (With Substitute): To amend Sections 9-17-25 and 40-20-2; Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 31. Relating to Calhoun County; to prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of on-premise license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

H. 47. Relating to St. Clair County; proposing an amendment to the Constitution of Alabama of 1901; to authorize the Legislature to regulate and alter the costs and charges of court in St. Clair County; and to provide for the distribution of any additional revenue for the juvenile court system and juvenile programs in the county.

The above bill was read a second time at length as required by the Constitution.

H. 70. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H.J.R. 5. AMENDING ACT NO. 95-438, HJR 382, ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A LEGISLATIVE RETIREMENT PROGRAM OR AN HONORARY LEGISLATIVE POSITION.

Also:

H.J.R. 7. COMMENDING WAYNE HUGHES FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 8. COMMENDING ELTON B. CAMP FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 9. COMMENDING FRED H. SULLINS FOR OUTSTANDING SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 10. COMMENDING RUTH PALMER FOR DISTINGUISHED SERVICE TO BEVILL STATE COMMUNITY COLLEGE.

Also:

H.J.R. 11. COMMENDING JAKE CREEL OF DOTHAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 12. MOURNING THE DEATH OF EMMALINE ARCHIBALD JOHNSON OF BIRMINGHAM, ALABAMA.



And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Jorgensen:

H. 78. Amending Section 1 of Act 95-187, H. 438, of the 1995 Regular Session, appearing as Section 40-18-190 of the Code of Alabama 1975, to specify that certain property previously owned or leased by an investing company constitutes a capital cost for purposes of obtaining a state income tax capital credit.

### **COMMITTEE ON WAYS AND MEANS**

By Representative Box:

H. 79. To amend Act No. 96-471, S. 203 of the 1996 Regular Session, to appear as Section 11-3-11.2 Code of Alabama 1975, relating to the authority of county commissions to collect or provide for the collection of local taxes, to clarify that existing local laws, or resolutions, or general acts authorizing or levying a local tax, would prevail over conflicting rules and regulations of the State Department of Revenue.

### **COMMITTEE ON WAYS AND MEANS**

By Representative Fuller:

H. 80. To make a supplemental appropriation from the Forestry Commission Fund in the General Fund in the State Treasury to the Alabama Forestry Commission, in the amount of one million five hundred thousand dollars (\$1,500,000) for the fiscal year ending September 30, 1997.

### **COMMITTEE ON WAYS AND MEANS**

By Representative Thomas (D):

H. 81. To make a supplemental appropriation from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan and Penry:

H. 82. To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 83. To amend Act No. 96-651, H. 395, 1996 Regular Session, to appear as Section 27-1-20, Code of Alabama 1975, relating to the "Patient Right to Know Act," to provide further for the definition of provider and to provide for a retroactive effective date.

COMMITTEE ON HEALTH

By Representatives Pringle, Box, McMillan, Ford, and Mitchell:

H. 84. To amend Section 17-13-6, Code of Alabama 1975, to require statement of votes and poll list to be delivered within two hours after the election.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Page and Morrow:

H. 85. To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Page and Morrow:

H. 86. To amend Section 17-6-13 of the Code of Alabama 1975, to provide mileage for the returning officer.

COMMITTEE ON STATE ADMINISTRATION

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Hammett:

H.J.R. 26. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Friday, July 19, 1996, they adjourn to meet again on Tuesday, July 23, 1996.

**MOTION TO ADOPT**

Representative Hammett offered the motion to suspend the rules and adopt the resolution, H.J.R. 26.

**AMENDMENT OFFERED**

Representative Wren offered the following amendment to the resolution, H.J.R. 26:

Amend H.J.R. 26 on page 1, line 9 by striking the following: Tuesday, July 23, 1996 and inserting in lieu thereof, the following: Monday, July 22, 1996

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 75; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E),

Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, Willis and Wren.

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Nay:

Representatives Black (L), Boyd, Buskey, Clark (W), Hayden, Jackson, Kennedy, Knight (J), Maull, McClammy, Melton, Page, Parker (P), Perdue, Reed, Starkey and White.

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The question was then on the motion offered by Representative Hammett to suspend the rules and adopt the resolution:

#### H.J.R. 26. RELATIVE TO MEETING DAYS.

as amended, and the rules were suspended and the resolution was adopted and ordered engrossed.

Also:

By Representatives Robinson, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

#### H.J.R. 27. MOURNING THE TRAGIC DEATHS OF THE VICTIMS OF TRANS WORLD AIRLINES FLIGHT 800.

WHEREAS, it is with deep sadness and regret that the Alabama House of Representatives notes the tragic and untimely deaths of Michael, Barbara and Joseph Scott; Brenda Graham Privette and son, Tom Weatherby; and 223 others who lost their lives on July 17, 1996, when their Trans World Airlines Flight crashed while making a scheduled flight from New York to Paris; and

WHEREAS, Mr. Scott, who was employed with Arnold Air Force Base in Tullahoma, Tennessee, and Mrs. Scott, who was a Nurse at North Jackson Hospital, were devoted elders at Cumberland Presbyterian Church, and earned

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the respect and admiration of their family and friends in Stevenson, Alabama, with their generous spirit and great sensitivity to the needs of others; and

WHEREAS, Joseph Scott, a Spelling Bee Contest winner, was a gifted youth and member of the Stevenson Boy Scout Troop; he also was an exceptional student of extraordinary accomplishments who had brought great credit to his family, school, and community; and

WHEREAS, friends and family in Stevenson, Alabama, remember Ms. Privette for her deep and abiding faith at Cumberland Presbyterian Church, and as a person who enjoyed life to the fullest, and rejoiced in the accomplishments of her son; and

WHEREAS, recognizing his duty to God and country, Tom Weatherby was an active Boy Scout and practiced the Scout slogan: "Do a Good turn Daily," and was indeed an exceptional young man who earned the esteem of his fellow scouts; and

WHEREAS, the lamentable deaths of Michael, Barbara and Joseph Scott; Brenda Graham Privette and son, Tom Weatherby, of Stevenson, Alabama, have indeed left an unfathomable void in the lives of those individuals privileged to have known them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express regret at the tragic deaths of Trans World Airlines Flight 800, and extend heartfelt sympathy to their bereaved families and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Robinson, the rules were suspended and the resolution, H.J.R. 27, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Robinson, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 28. MOURNING THE TRAGIC DEATHS OF THE VICTIMS OF TRANS WORLD AIRLINES FLIGHT 800.

### BILLS ON THIRD READING

And the bill:

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

was taken up.

### AMENDMENT OFFERED

Representative Gipson offered the following amendment to the bill, H. 27:

Amend H. 27, on Page 4, Line 18, as follows: by adding after the word "purpose." the following: "In addition to the electors eligible above, the Autauga County Revenue Commissioner shall identify each property owner of property outside the corporate boundaries of the City of Prattville in Autauga County whose residence is inside the corporate boundaries of the City of Prattville. Each of those property owners shall be mailed a ballot with a prepaid return self addressed envelope to the election officials in Autauga County. Such ballot shall contain the question posed in this section and shall be mailed by the Revenue Commission not greater than fourteen (14) nor less than ten (10) days prior to the election called for in this act. All ballots returned shall be counted and included in the tally."

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carter, Clouse, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Letson, Maull,

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McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Knight (A), Layson, Maull, McClammy, McDaniel, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 8. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clouse, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Maull, McDaniel, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Willis and Wren.

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And the bill:

H. 15. (With Amendment): Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 15, said committee amendment being as follows:

Amend H. 15 on page 2, Section 1, line 3 by adding after the word "municipality" the following: , county

#### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clouse, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), McAdory, McDaniel, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, White and Wren.

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And the bill:

H. 15. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), McAdory, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 40. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clouse, Collins, Curry, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Letson, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Venable, White, Willis and Wren.

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And the bill:

H. 41. (With Amendment): Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 7 to the bill, H. 41, said committee amendment being as follows:

Amend H. 41 on Page 2, Line 3, after the word "municipality" by adding ,  
county,

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Letson, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 41. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Seibenhener offered the following substitute to the bill, H. 7:

#### **A BILL TO BE ENTITLED AN ACT**

Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 802), is amended to read as follows:

"Section 4. (a) **BOARD MEMBERS.** The personnel program established by this act shall be administered by the board. The board shall be composed of five members who shall be appointed as follows:

"(1) One member shall be appointed by the judge of probate and the initial term shall be for two years.

"(2) One member shall be appointed by the sheriff and the initial term shall be for three years.

"(3) One member shall be appointed by the revenue commissioner and the initial term shall be for five years.

"(4) Effective January 1, 1997, the member appointed by the circuit clerk shall be replaced by a successor selected by a committee of employees. The employee representative selection committee shall be composed of one employee from the sheriff's office, one employee from the probate office, one employee from the office of revenue commissioner, and two employees from the road and bridge department. The employees on the committee shall be selected by the employees of the appropriate office by a secret ballot at a meeting called for that purpose. The employee representative on the board shall be a registered voter in the county, but shall not be an employee of the county or related by blood or marriage to an employee of the county or any county elected official.

"(5) One member shall be appointed by the county commission.

"(b) Upon the expiration of the initial term of each member, the successor shall be appointed by the original appointing authority for a term of five years.

"(c) No person shall be appointed to the personnel board unless he or she is of recognized good character and ability, and is an actual resident in and qualified elector of the county. No person shall be eligible to appointment or shall continue to be a member of a board created under this act who holds an elective office under the state, county, or any city therein, or who is a candidate for elective office. Vacancies on the board shall be filled for the unexpired terms in the same manner as original appointments are made. The board shall elect a chair from among its members, who shall preside at its meetings. Three members shall constitute a quorum for the transaction of any business which may properly come before the board. Each person so appointed shall, within 15 days after appointment, qualify by making oath that he or she will faithfully execute the duties of office to the best of his or her ability and knowledge which oath shall be recorded as provided by law. The board shall adopt reasonable rules regulating the procedure of the board. Notice of all meetings of the board shall be given to each member by the clerk of the board."

Section 2. This act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), McDaniel, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Willis and Wren.

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And the bill:

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hawk, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), McDaniel, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Willis and Wren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 62. (With Amendments): To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration to the bill, H. 62, said committee amendment being as follows:

Amend H. 62 on Page 4, Line 29, by striking ~~12:00 p. m. (noon)~~ and inserting in lieu thereof: 5:00 p. m.

#### **MOTION TO TEMPORARILY CARRY OVER TABLED**

On motion of Representative Laird, the motion offered by Representative Box to temporarily carry over the bill, H. 62 and the pending committee amendment #1 was tabled.

Yeas 53; Nays 37.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Collins, Ford, Galliher, Graham, Guin, Hall (L), Hawk, Hayden, Hinshaw, Jackson, Kennedy, Knight (J), Lindsey, McAdory, McClammy, Minnifield, Mitchell, Morrow, Page, Parker (P), Parker (T), Reed, Robinson, Rogers (J), Starkey, Turnham, Venable, Warren and White.

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**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Sims:

H.R. 29. MOURNING THE DEATH OF CAPTAIN BRADY TAYLOR.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 21. Relating to Fayette County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 21, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 21. Local Legislation No. 1.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators McClain and Smitherman (With Notice and Proof):

S. 37. Relating to Jefferson County; to authorize in the unincorporated area of the county the regulation and restriction, by resolution or ordinance, of the installation, operation, and maintenance of automatic protection or signalling devices; to provide that the resolution or ordinance may prohibit the automatic transmission of a message or warning to the sheriff's department telephone line or number, may restrict persons from engaging in the business of selling, leasing, installing, repairing, or maintaining automatic protection devices or signalling devices unless the person maintains a service organization capable of repairing, maintaining, and servicing the devices, may restrict alarm equipment suppliers from selling, leasing, or installing any automatic protection device or signalling device without first filing with the sheriff's department information relative to the sale, lease, or installation, and may prohibit false alarms and establish responsibility for false alarms; to establish civil penalties for violations; and to provide for enforcement by the Sheriff of Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 37, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 37. Local Legislation No. 2.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Armistead (With Notice and Proof):

S. 49. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.



I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 49, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 49. Local Legislation No. 7.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Biddle, Waggoner, and Amari (With Notice and Proof):

S. 56. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 56, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 56. Local Legislation No. 2.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Amari and Waggoner (With Notice and Proof):

S. 59. Relating to the Sheriff of Jefferson County; providing for an additional expense allowance for the sheriff; providing that the expense allowances provided to the sheriff shall be eligible for certain treatment for the determination of retirement benefits and allowances and for the withholding of required contributions for membership in any retirement system in which the sheriff may participate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 59, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 59. Local Legislation No. 2.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 63. Relating to Greene County, authorizing the Greene County Commission by resolution to establish the rate at which the commission will reimburse employees for mileage incurred in carrying out their official duties. The rate established by the Commission shall not exceed the current federal rate paid for mileage.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 63, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 63. Local Legislation No. 1.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Freeman:

S. 48. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$2,485,500 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Trust Fund of \$3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; to reduce the appropriation made in Act 95-740, Section 2D 9 and to provide further for the use of the remaining appropriated funds; and to provide for an effective date.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 48. Ways and Means.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Armistead (With Notice and Proof):

S. 51. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 51, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 51. Local Legislation No. 7.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Biddle, Waggoner, and Amari (With Notice and Proof):

S. 57. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 57, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 57. Local Legislation No. 2.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 55. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 55. State Administration.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 18. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 18. Ways and Means.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Gipson:

H.R. 30. MOURNING THE DEATH OF MILDRED HUGHES CARTER.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed House Joint Resolution with the original House Joint Resolution and finds same correctly engrossed, to-wit:

H.J.R. 26. RELATIVE TO MEETING DAYS.

TOMMY CARTER  
Chairman

And the resolution, H.J.R. 26, as engrossed, was ordered sent to the Senate.

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**H. 62 RESUMED**

The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration to the bill, H. 62, and the committee amendment #1 was adopted.

Yeas 75; Nays 13.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Black (L), Buskey, Hall (L), Hawk, Hayden, Houston, Kennedy, McAdory, Mitchell, Reed, Rogers (J), Sanderson and Spratt.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on State Administration to the bill, H. 62, as amended, said committee amendment being as follows:

Amend H. 62 on Page 17, Line 18, by adding a new Section 11, and renumbering all other sections accordingly:

Section 11. Nothing contained herein shall be interpreted or construed to supercede the emergency absentee ballot provisions of Alabama Code Section 17-10-12.

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 76; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Black (L), Hayden, Hilliard, Houston, Jackson, McAdory, Reed, Rogers (J) and Seibenhener.

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The question was then on the adoption of the amendment #3 reported by the Standing Committee on State Administration to the bill, H. 62, as amended, said committee amendment being as follows:

Amend H. 62 on Page 15, Line 8, after the word "box." by adding the following: Provided, however that where electronic ballot counters are used, the absentee poll officials may begin processing ballots through the counter before the polls close provided that: (1) all of the open, empty affidavit envelopes have been gathered and placed aside in a locked box before the inner envelopes containing the ballots are opened, and (2) absentee election officials take security measures to prevent the vote totals from being printed before the polls close or to prevent tallying any votes as the ballots are processed or read into the electronic ballot counter. No provision herein shall affect the rules and regulations promulgated by the Alabama Electronic Voting Committee as authorized in 17-24-2, Code of Alabama.

### AMENDMENT TABLED

On motion of Representative Laird, the committee amendment #3 was tabled.



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Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Pringle and Thomas (D).

- 2

**AMENDMENT OFFERED**

Representative Graham offered the following amendment to the bill, H. 62, as amended:

On page 7, line 14, after "who" insert the following: along with the Sheriff, the Judge of Probate, and the Chair of the County Commission

**MOTION TO TABLE LOST**

The motion offered by Representative Curry to table the amendment offered by Representative Graham to the bill, H. 62, as amended, was lost.

Yeas 42; Nays 50.

Yea:

Mr. Speaker, Allen, Carns, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Hamilton, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Moore, Morton, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Vance and Wren.

-42

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Collins, Dolbare, Ford, Galliher, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Parker (T), Reed, Robinson, Rogers (J), Smith, Spratt, Turnham, Venable, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

TOMMY CARTER  
Chairman

And the bill, H. 27, as engrossed, was ordered sent to the Senate.

**H. 62 RESUMED**

**AMENDMENT TABLED**

The question was then on the adoption of the amendment offered by Representative Graham to the bill, H. 62, as amended, and on motion of Representative Laird, the amendment was tabled.

Yeas 51; Nays 41.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Hamilton, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Moore, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Dolbare, Ford, Galliher, Graham, Guin, Hall (L), Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, McAdory, McClammy, Millican, Minnifield, Mitchell, Morrison, Morrow, Page, Parker (P), Robinson, Rogers (J), Smith, Spratt, Turnham, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

**TOMMY CARTER**  
Chairman

And the bill, H. 7, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 41. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

TOMMY CARTER  
Chairman

And the bill, H. 41, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 15. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

TOMMY CARTER  
Chairman

And the bill, H. 15, as engrossed, was ordered sent to the Senate.

**H. 62 RESUMED****AMENDMENT OFFERED**

Representative Laird offered the following amendment #1 to the bill, H. 62, as amended:

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Amend House Bill 62 page 11, by striking lines 14 and 15 in their entirety and substituting in lieu thereof the following: " \_\_\_\_\_ I work a required workplace shift which has at least ten hours which ~~conflicts~~ coincide with the polling hours at my regular polling place."

**AMENDMENT ADOPTED**

And the amendment #1 was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Venable, Warren, White, Willis and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 2. COMMENDING GRADY LILES ON HIS OUTSTANDING SERVICE AND ACHIEVEMENTS.

Also:

S.J.R. 4. COMMENDING THE LATE LIEUTENANT PAUL JORDAN SMITH, III, FOR OUTSTANDING SERVICE TO HIS COUNTRY.

Also:

S.J.R. 5. COMMENDING KATE RANDALL AS 1996 PRESIDENT OF GIRLS NATION.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**H. 62 RESUMED****AMENDMENT OFFERED**

Representative Laird offered the following amendment #2 to the bill, H. 62, as amended:

Amend House Bill 62, page 2, by striking lines 11 through 13 in their entirety and substituting in lieu thereof the following: "the election, or who works on a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place, (iii) who is enrolled as a student at"

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 88; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Black (L) and Gaines.

**AMENDMENT OFFERED**

Representative Laird offered the following amendment #3 to the bill, H. 62, as amended:

Amend House Bill 62, Section 7, page 16, line 3, after the word "shall" by inserting the following: knowingly and willfully

**AMENDMENT ADOPTED**

And the amendment #3 was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**SUBSTITUTE OFFERED**

Representative Venable offered the following substitute to the bill, H. 62, as amended:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to provide further for counting absentee ballots; and to provide for a delayed effective date.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, are amended to read as follows:

"§17-10-7.

"Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit. This affidavit which shall be used in general, special, or municipal elections shall ~~be substantially~~ read as follows:

""State of Alabama

"County of \_\_\_\_\_

"I, the undersigned, do swear (or affirm) that:

"(1) I am a resident of \_\_\_\_\_ county in the State of Alabama.

"(2) My place of residence in Alabama is: \_\_\_\_\_

\_\_\_\_\_  
"(street)

"\_\_\_\_\_, Alabama  
"(city or town) (zip code)

"(3) My voting precinct (or place where I vote) is: " \_\_\_\_\_

"(4) My date of birth "is: \_\_\_\_\_  
"month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only one:

"\_\_\_\_\_ I have moved from Alabama less than thirty days prior to the election.

"\_\_\_\_\_ I will be out of the county or the state on election day.

"\_\_\_\_\_ I am physically incapacitated and will not be able to vote in person on election day.



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" \_\_\_\_\_ I work a required workplace shift that conflicts with polling hours.

" \_\_\_\_\_ I meet the qualifications to vote by emergency absentee ballot due to a medical emergency.

" \_\_\_\_\_ I meet the qualifications to vote by emergency absentee ballot due to a business emergency.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and that I have read or had read to me and understand the instructions accompanying this ballot and that I have carefully complied with such the instructions.

"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed ~~\$1,000.00 and~~ one thousand dollars (\$1,000) or confinement in the county jail for not more than six months, or both.

" \_\_\_\_\_  
"(Signature or mark of voter.)

" \_\_\_\_\_  
"(Printed name of voter.)

~~"Note: Your signature must be witnessed by either: A notary public or other officer authorized to acknowledge oaths or two witnesses 18 years of age or older.~~

"IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED) AND IS NOT VERIFIED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER OR A NOTARY PUBLIC, PRIOR TO BEING DELIVERED OR MAILED TO THE ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

"Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_. I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

" \_\_\_\_\_ (Signature of official)  
"(Title of official)

\_\_\_\_\_  
"(Address of official)

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"OR

"1st Witness

\_\_\_\_\_  
"Signature  
"  
\_\_\_\_\_  
"Print name  
"  
\_\_\_\_\_  
"Address  
"  
\_\_\_\_\_  
"City" "Zip Code"

"2nd Witness

\_\_\_\_\_  
"Signature  
"  
\_\_\_\_\_  
"Print name  
"  
\_\_\_\_\_  
"Address  
"  
\_\_\_\_\_  
"City" "Zip Code"

"§17-10-9.

"Each prospective absentee voter who meets the requirements of this chapter shall be furnished with the absentee ballot herein provided for, together with two envelopes for returning his or her marked ballot. One envelope shall be a plain envelope in which the ballot shall be sealed by the voter after he or she has marked it.

"The second envelope shall have the voter's affidavit printed on the back and shall be large enough to seal the plain ballot envelope inside. The second envelope shall also be a return mail envelope.

"~~Such~~ The return mail envelope shall be addressed on the front to the absentee election manager and shall be endorsed on the left-hand upper corner thereof ~~substantially~~ as follows:

"Absent Voter's Ballot. State, County, Municipal, General, Primary or Special Election (as the case may be) to be held on the . . . . . day of . . . . ., 19\_\_\_\_. From . . . . . (name of voter), precinct or districts . . . . ., County of . . . . ., Alabama."

"After marking the ballot and subscribing to the oath herein required, the voter shall seal his or her ballot in the plain envelope, place that plain envelope inside the affidavit envelope, complete the affidavit, have a notary or two witnesses verify his or her signature to the affidavit, and shall forward it by United States mail to the addressee or shall hand it to him or her in person."

"§17-10-10.

"Upon receipt of the absentee ballot, the absentee election manager shall record its receipt thereof on the absentee list as provided in Section 17-10-5 and shall safely keep the ballot without breaking the seal of the affidavit envelope. If upon examination of the affidavit envelope the absentee election manager determines that the affidavit is incomplete or is not properly verified by the signatures of two witnesses eighteen years of age or older or by a notary public, the absentee election manager shall send the absentee voter a letter or postcard by first class mail to the address shown on the absentee ballot or, if illegible or absent, to the most recent address shown on the voting rolls, informing the voter of the deficiency. The letter or postcard shall be drafted by the Secretary of State and he or she shall distribute copies of the letter or postcard for use by the absentee election managers. The letter or postcard shall be mailed no later than five days before the election. The letter or postcard from the absentee election manager notifying the absentee voter of the deficiency shall provide the date the letter is mailed, the name, work address and telephone number of the absentee election manager, the signature of the absentee election manager, and the following text:

IMPORTANT

Dear Absentee Voter:

You are hereby notified that your absentee ballot envelope does not comply with Section 17-10-10, Code of Alabama 1975, and is deficient on its face. You may correct this deficiency by personally appearing before the absentee election manager at the address set out herein on or before 12:00 noon on election day. If you elect to do nothing, the ballot which is the subject of this letter will not be counted.

".....  
"(Signature of absentee election manager.)

".....  
"(Printed name of absentee election manager.)

On the day of the election, beginning at 12:00 Noon, the absentee election manager shall deliver the sealed affidavit envelopes containing absentee ballots to the election officials provided for in Section 17-10-11, ~~and such~~ . The election officials shall then call the name of each voter casting an absentee ballot with poll watchers present as may be provided under the laws of Alabama and shall ~~see~~

examine each affidavit envelope, review the affidavit to certify that such to determine if the signature of the voter has been appropriately verified. If the verification of the signature and the information in the affidavit establish that the voter is entitled to vote by absentee ballot, then the election officials shall certify the findings, open each affidavit envelope, and deposit the plain envelope containing the absentee ballot into a sealed ballot box.

"No poll worker or other election official shall open an absentee ballot with an affidavit that is unsigned or unmarked and is not verified by the signatures of two witnesses or a notary public, and no ballot envelope or ballot therein may be removed or counted. No court or other election tribunal shall allow the counting of an absentee ballot which is not verified by the signatures of two witnesses or a notary public, prior to being delivered or mailed to the circuit clerk.

"The absentee ballots shall upon the closing of the polls be counted and otherwise handled in all respects as if the said absentee voter were present and voting in person. As regards municipalities with populations of less than 10,000, in the case of municipal elections held at a time different from a primary or general election, ~~such~~ the return mail envelopes containing the ballots shall be delivered to the election official of the precinct of the respective voters."

Section 2. This act shall become effective on upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall apply only to elections held thereafter.

### SUBSTITUTE TABLED

On motion of Representative Laird, the substitute offered by Representative Venable to the bill, H. 62, as amended, was tabled.

Yeas 48; Nays 47.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Millican, Moore, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Vance and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Ford, Galliher, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), Letson,

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Lindsey, McAdory, McClammy, McDaniel, Minnifield, Mitchell, Morrison, Morrow, Page, Parker (P), Parker (T), Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Turnham, Venable, Warren, White and Willis.

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**AMENDMENT OFFERED**

Representative Knight (J) offered the following amendment to the bill, H. 62, as amended:

On page 16, line 32, after the period, insert the following: Any election official who fails to count a legal vote under this act shall be guilty of a Class C felony and punished as provided by law.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Sims.

- 1

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on adoption of the amendment offered by Representative Knight (J) to the bill, H. 62, as amended.

**AMENDMENT OFFERED**

Representative Laird offered the following amendment #4 to the bill, H. 62, as amended:

To amend H. 62 as amended on page 2, line 14 and on page 11 line 16 by deleting the words "a postsecondary" and inserting in lieu thereof the word "an".

**AMENDMENT ADOPTED**

And the amendment #4 was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on adoption of the amendment #4 offered by Representative Laird to the bill, H. 62, as amended.

**AMENDMENT OFFERED**

Representative Hall (L) offered the following amendment to the bill, H. 62, as amended:

On page 3, lines 28 and 29, delete the language: "for which provision is made in Section 17-10-3(c)"

On page 3, line 30, after the word "courthouse" insert the following language: , all city halls or other public-staffed facilities such as schools, libraries, and recreation or community centers

**AMENDMENT TABLED**

On motion of Representative Laird, the amendment offered by Representative Hall (L) to the bill, H. 62, as amended, was tabled.

Yeas 60; Nays 33.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-60

Nay:

Representatives Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Ford, Galliher, Graham, Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, McAdory, McClammy, Minnifield, Mitchell, Page, Parker (P), Perdue, Reed, Robinson, Rogers (J), Spratt and Turnham.

-33

**MOTION TO RECESS LOST**

The motion offered by Representative Robinson that the House recess until 1:30 o'clock p.m. was lost.

Yeas 27; Nays 57.

Yea:

Representatives Black (L), Buskey, Clark (W), Graham, Hall (L), Hawk, Hayden, Hilliard, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, Millican, Minnifield, Morrow, Page, Parker (P), Robinson, Rogers (J), Spratt, Turnham and Warren.

-27

Nay:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Townsend, Turner, Vance, Venable and Wren.

-57

## H. 62 RESUMED

### AMENDMENT OFFERED

Representative Kennedy offered the following amendment to the bill, H. 62, as amended:

On page 11, delete lines 22 to 24, inclusive, in their entirety.

### AMENDMENT TABLED

On motion of Representative Laird, the amendment offered by Representative Kennedy to the bill, H. 62, as amended, was tabled.

Yeas 57; Nays 28.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance and Wren.

-57

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Ford, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Perdue, Rogers (J), Spratt and Turnham.

-28



**MOTION TO REMOVE FROM TABLE LOST**

The motion offered by Representative Venable to remove the substitute offered by him to the bill, H. 62, as amended, from the table was lost.

Yeas 39; Nays 51.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Ford, Galliher, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Minnifield, Mitchell, Page, Parker (P), Perdue, Reed, Robinson, Spratt, Starkey, Turnham, Venable, Warren and White.

-39

Nay:

Mr. Speaker, Allen, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Vance and Wren.

-51

**AMENDMENT OFFERED**

Representative Mitchell offered the following amendment to the bill, H. 62, as amended:

Amend H. 62 on page 11, Section 5, line 25 by adding after the words "not my regular polling place." the following: I am a candidate for elected office in this election and will not be at my regular or usual polling place.

**AMENDMENT TABLED**

On motion of Representative Laird, the amendment offered by Representative Mitchell to the bill, H. 62, as amended, was tabled.

Yeas 60; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Wren.

-60

Nay:

Representatives Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Ford, Hall (L), Hawk, Hayden, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, McAdory, McClammy, Minnifield, Mitchell, Page, Reed and Spratt.

-24

#### AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 62, as amended:

On page 11, on lines 22 and 23, delete the following language: or named as a poll watcher

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 43.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Drake, Ford, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Parker (P), Parker (T), Spratt, Starkey, Thomas (D), Turnham, Venable and Warren.

-46

Nay:

Mr. Speaker, Allen, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Haney, Hawkins, Hill, Hogan, Hooper, Knight (A), Laird, McKee, McMillan, Moore, Morrow, Morton, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Turner, Vance and Wren.

-43

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clark (J):

H.R. 31. COMMENDING ARVIE GASTON TEW OF BARBOUR COUNTY, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

### H. 62 RESUMED

And the bill:

H. 62. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 21.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Reed and Spratt.

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### PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Dolbare intended to vote "Yea" on passage of the bill, H. 62, as amended.

### RESOLUTIONS

The following resolutions were introduced:

By Representative Clark (J):

H.J.R. 32. COMMENDING ARVIE GASTON TEW OF BARBOUR COUNTY, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with the highest commendation and sincere praise that the Alabama Legislature notes the retirement of Troop K Commander Arvie Gaston Tew of Barbour County, Alabama, following 29 years of competent service as a state trooper; and

WHEREAS, Mr. Tew's distinguished career began in 1967 in Lowndes County and later continued in Coffee County, where he was injured in the line of duty in August 1969; and

WHEREAS, on April 11, 1973, Mr. Tew was promoted and transferred to Barbour County where he continued to serve in the Highway Patrol Division and later in the Alabama Bureau of Investigation; and

WHEREAS, during his tenure with the ABI, Mr. Tew was promoted to the rank of lieutenant and graduated from the FBI National Academy in Quantico; and

WHEREAS, in 1994, Mr. Tew was promoted to captain and served as Troop K Commander until his retirement; and

WHEREAS, a devoted husband to his wife, Sherry, Mr. Tew is indeed a true exemplar of the brave and dedicated law enforcement community who willingly placed his own life at risk in his commitment to the protection, safety, and well-being of his fellow citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, and in recognition of outstanding service to the community and to others, we hereby most highly commend Arvie Gaston Tew, for whom a copy of this resolution should be provided.

On motion of Representative Clark (J), the rules were suspended and the resolution, H.J.R. 32, was adopted.

Also:

By Representatives Hall (L), Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt, Thomas (J) and Minnifield:

H.J.R. 33. COMMENDING BISHOP ZEDEKIAH LAZETT GRADY UPON HIS DISTINGUISHED MINISTRY AND WELCOMING HIM TO ALABAMA.

WHEREAS, Zedekiah Lazett Grady is commended and praised in recognition of his supreme gift of devoted and diligent service as 111th Bishop of the African Methodist Episcopal Church; and

WHEREAS, assigned to the 9th Episcopal District, State of Alabama, at the 45th Session of the General Conference of the AME Church, Bishop Grady has served as a distinguished pastor, administrator, civic organizer, ecumenical leader, social reformer, teacher, and presiding elder for 45 years; and

WHEREAS, a shining example of Christianity, Bishop Grady loves the church and its parishioners, and his presence has indeed been felt in the Christian community; and

WHEREAS, Bishop Grady and his loving wife, Carrie Grady, whose generous spirit and great sensitivity to the needs of others have earned for them great respect and admiration, are hereby most warmly welcomed to Alabama and applauded for their countless contributions to AME Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Bishop Zedekiah Lazett Grady is commended on his distinguished record of spiritual and community service, and provided a copy of this resolution as a measure of highest regard and esteem.

On motion of Representative Hall (L), the rules were suspended and the resolution, H.J.R. 33, was adopted.

Also:

By Representative Thomas (D):

H.J.R. 34. ENCOURAGING THE OBSERVANCE OF THE TEN COMMANDMENTS.

The resolution, H.J.R. 34, was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

And the bill:

H. 30. (With Amendment): To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; to establish uniform polling hours; and to provide criminal penalties for violations.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 30, said committee amendment being as follows:

Amend H. 30 on Page 4, Line 22 by adding after the word "attorney" the following: Probate Judge, Sheriff

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 18.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Ford, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell and Page.

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**AMENDMENT OFFERED**

Representative Townsend offered the following amendment to the bill, H. 30, as amended:

Amend House Bill 30 on page 3, line 27 by deleting the word "of" and inserting in lieu thereof the word "or".

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 75; Nays 13.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Hall (L), Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Minnifield and Mitchell.

-13

**SUBSTITUTE OFFERED**

Representative Venable offered the following substitute to the bill, H. 30, as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide criminal penalties for violations; and to provide for a delayed effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) A person who desires to vote in a primary, general, special, or run-off election shall give his or her name and address to an election officer at the polling place. If the name of the prospective voter is found on the alphabetical list of qualified voters for the polling place, an election official shall examine the lists of persons who have voted by absentee ballot. No qualified elector who has voted an absentee ballot for the election being held may vote at the polling place.

(b) The election officials shall identify each prospective voter by requiring the prospective voter to submit a valid Alabama driver's license or some other form of identification. Other forms of identification may include, but are not limited to, a credit card, voter registration card, birth certificate, food stamp card, social security card, check cashing card, library card, passport, school record, work identification record, school identification, certified copy of a marriage license, or Medicaid, medicare, or welfare identification. If the person is unable to or does not provide satisfactory identification, he or she shall be allowed to vote if his or her identity is verified by either an on-duty election official at the polling place or by an elector qualified to vote at the polling place who has been properly identified by an election official. If identification of the person remains unverified as herein provided, he or she shall nevertheless be allowed to vote by way of a challenged ballot.

Section 2. Any election official who intentionally does not require proper identification to verify the name of the prospective voter on the list of qualified voters at the polling place in violation of this act, who does not comply with the aforementioned provisions regarding the challenge of a voter, or who intentionally allows a person to vote whom he or she knows is not the person he or she claims to be, shall be guilty of a Class A misdemeanor for each violation.

Section 3. Any person who presents false identification in order to vote at a polling place where he or she otherwise would not be qualified to vote, who intentionally votes at a polling place where he or she has not been authorized to vote, or who votes at more than one polling place in the same election on the same day, shall be guilty of a Class A misdemeanor.

Section 4. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.



**SUBSTITUTE TABLED**

On motion of Representative Carns, the substitute offered by Representative Venable to the bill, H. 30, as amended, was tabled.

Yeas 46; Nays 43.

Yea:

Mr. Speaker, Allen, Carns, Carter, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-46

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Collins, Dolbare, Dukes, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (R), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, Minnifield, Mitchell, Morrison, Morrow, Page, Parker (P), Reed, Robinson, Smith, Spratt, Starkey, Turnham, Venable, Warren and White.

-43

**AMENDMENT OFFERED**

Representative Mitchell offered the following amendment to the bill, H. 30, as amended:

Amend H. 30 on page 2, Section b, by adding after the words a challenged ballot. the following: The election official shall record the type of document used by each prospective voter adjacent to the prospective voter's name on the polling list. Failure to record the type of document used shall constitute a Class A misdemeanor.

**AMENDMENT TABLED**

On motion of Representative Carns, the amendment offered by Representative Mitchell to the bill, H. 30, as amended, was tabled.

Yeas 53; Nays 26.

Yea:

Mr. Speaker, Allen, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Lindsey, McKee, McMillan, Moore, Morrison, Morrow, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Dukes, Guin, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Mitchell, Murphree, Reed, Sims, Spratt, Warren and White.

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### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 62. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

**TOMMY CARTER**  
Chairman

And the bill, H. 62, as engrossed, was ordered sent to the Senate.

**H. 30 RESUMED**

**AMENDMENT OFFERED**

Representative Knight (J) offered the following amendment #1 to the bill, H. 30, as amended:

On page 2, delete the first sentence in subsection (b) on lines 18, 19, 20, and 21 in its entirety and insert in lieu thereof: Each prospective voter shall be required by the election officials to identify himself or herself by having an election official or some other elector qualified to vote at the precinct identify the prospective voter to an election official or by submitting a valid Alabama driver's license or some other form of identification.

**AMENDMENT TABLED**

On motion of Representative Carns, the amendment #1 offered by Representative Knight (J) to the bill, H. 30, as amended, was tabled.

Yeas 47; Nays 42.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Layson, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-47

Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Collins, Dolbare, Dukes, Ford, Galliher, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Millican, Minnifield, Mitchell, Morrow, Page, Reed, Robinson, Smith, Spratt, Starkey, Turnham, Venable, Warren and White.

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**AMENDMENT OFFERED**

Representative Robinson offered the following amendment to the bill, H. 30, as amended:

On page 2, line 21, after the period, insert the following: Any person known by an election official to be a qualified voter shall not have to show any identification and the election official shall place his or her initials on the official register by the voter's signature as evidence that the voter has been properly identified by the official.

#### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 64; Nays 27.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Dolbare, Drake, Dukes, Gaines, Galliher, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Penry, Reed, Robinson, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, Warren, White and Willis.

-64

Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Gaston, Gipson, Haney, Hawkins, Hooper, Jorgensen, Knight (A), Laird, McKee, Moore, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Thomas (D), Townsend, Turner and Wren.

-27

#### **AMENDMENT OFFERED**

Representative Knight (J) offered the following amendment #2 to the bill, H. 30, as amended:

To amend H. 30 on page 4, line 30 by deleting the comma and adding after the word "law" the following: "or who refuses to allow any legal voter to cast a vote,"

#### **AMENDMENT TABLED**

On motion of Representative Carns, the amendment #2 offered by Representative Knight (J) to the bill, H. 30, as amended, was tabled.

Yeas 51; Nays 34.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, McKee, McMillan, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Wren.

-51

Nay:

Representatives Baker, Bandy, Black (L), Box, Burke, Buskey, Clark (W), Dukes, Ford, Galliher, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), McAdory, McClammy, Millican, Minnifield, Mitchell, Page, Parker (P), Reed, Smith, Spratt, Turnham and Warren.

-34

### AMENDMENT OFFERED

Representative Wren offered the following amendment to the bill, H. 30, as amended:

On page 2, line 21, after first "identification" on the line insert the following: which identifies the voter by name

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 6.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page,

Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Baker, Hall (L), Holmes, Kennedy, Knight (J) and McAdory.

- 6

### AMENDMENT OFFERED

Representative Guin offered the following amendment to the bill, H. 30, as amended:

On page 2, lines 3, 4, and 5, delete the language: "to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide;

On pages 3 and 4, delete Section 4 in its entirety and renumber the subsequent sections accordingly.

### MOTION TO TABLE LOST

The motion offered by Representative Carns to table the amendment offered by Representative Guin to the bill, H. 30, as amended, was lost.

Yeas 47; Nays 48.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, McKee, McMillan, Moore, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Dolbare, Dukes, Ford, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Millican, Minnifield, Morrison, Morrow, Newton (C), Page, Parker (P), Parker (T), Perdue, Reed, Robinson, Smith, Spratt, Starkey, Turnham, Venable, Warren and White.

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### AMENDMENT TABLED

On motion of Representative Carns, the amendment offered by Representative Guin to the bill, H. 30, as amended, was tabled.

Yeas 48; Nays 38.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Knight (A), Laird, Layson, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance and Wren.

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Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dolbare, Ford, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, McAdory, McClammy, Mitchell, Morrow, Murphree, Page, Parker (P), Reed, Robinson, Spratt, Turnham, Venable, Warren, White and Willis.

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### AMENDMENT OFFERED

Representative Clouse offered the following amendment to the bill, H. 30, as amended:

On page 1, line 21, delete the language "7:00 a.m. to 8:00 p.m." and insert in lieu thereof the following: 7:00 a.m. to 7:00 p.m.

On page 4, lines 9 and 10, delete the language "7:00 a.m. to 8:00 p.m." and insert in lieu thereof the following: 7:00 a.m. to 7:00 p.m.

### **MOTION TO TABLE LOST**

The motion offered by Representative Carns to table the amendment offered by Representative Clouse to the bill, H. 30, as amended, was lost.

Yeas 34; Nays 51.

Yea:

Mr. Speaker, Allen, Carns, Dean, Drake, Dukes, Gaines, Graham, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, McKee, Millican, Morrison, Murphree, Page, Parker (T), Payne, Pringle, Sanderford, Seibenhener, Sims, Starkey, Turner, Warren and Willis.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Crigler, Curry, Dolbare, Flowers, Galliher, Gaston, Gipson, Guin, Hall (L), Hammett, Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Mitchell, Moore, Morrow, Papucci, Parker (P), Penry, Petelos, Robinson, Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, White and Wren.

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### **AMENDMENT LOST**

The question was then on the adoption of the amendment offered by Representative Clouse to the bill, H. 30, as amended, and the amendment was lost.

Yeas 38; Nays 40.

Yea:

Representatives Baker, Black (L), Black (M), Buskey, Carothers, Clouse, Crigler, Curry, Dolbare, Flowers, Gaston, Gipson, Hammett, Hayden, Hilliard, Hogan, Holmes, Houston, Letson, Lindsey, McAdory, Moore, Newton (C), Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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Nay:

Mr. Speaker, Allen, Box, Carns, Dean, Drake, Dukes, Ford, Gaines, Galliher, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hooper, Johnson (R), Knight (A), Laird, McKee, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Sanderson, Starkey, Turner and Vance.

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### **AMENDMENT OFFERED**

Representative Holmes offered the following amendment to the bill, H. 30, as amended:

On page 3, line 5, delete "Class C" and insert in lieu thereof: Class A

On page 3, line 10, delete "Class C" and insert in lieu thereof: Class A

On page 4, line 21, delete "Class C" and insert in lieu thereof: Class A

On page 4, line 31, delete "Class C" and insert in lieu thereof: Class A

On page 5, line 4, delete "Class C" and insert in lieu thereof: Class A

### **AMENDMENT TABLED**

On motion of Representative Carns, the amendment offered by Representative Holmes to the bill, H. 30, as amended, was tabled.

Yeas 61; Nays 27.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Gaines, Guin, Hall (L), Hayden, Hilliard, Holmes, Jackson, Kennedy, Knight (A), Knight (J), McAdory, McClammy, Mitchell, Morrow, Page, Parker (P), Petelos, Sanderson, Seibenhener, Sims and Spratt.

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#### AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 30, as amended:

On page 4, line 10, after "p.m." insert the following: Local election officials may provide for split shifts for poll workers and the poll workers shall be compensated for their services accordingly.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 30. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; to establish uniform polling hours; and to provide criminal penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

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3rd Day

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Yeas 68; Nays 29.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Dukes, Guin, Hall (L), Hawk, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, McAdory, McClammy, Minnifield, Mitchell, Page, Parker (P), Reed, Smith, Spratt, Warren and White.

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And the bill:

H. 33. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Seibenhener and Thomas (D).

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Galliher intended to vote "Yea" on the passage of the bill, H. 33.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative White, the rules were suspended in order to take up out of order the bill, H. 23.

**CO-SPONSOR REMOVED**

At the request of Representative Venable, his name was removed as co-sponsor to the bill, H. 23.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Sims that the House adjourn until Monday, July 22, 1996, was lost.

Yeas 19; Nays 62.

Yea:

Representatives Allen, Carns, Clouse, Hawkins, Jackson, Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Payne, Penry, Rogers (M), Sanderford, Seibenhener, Sims, Townsend and Willis.

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Nay:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Petelos, Pringle, Reed, Robinson, Smith, Spratt, Starkey, Turner, Vance, Venable, Warren and Wren.

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**H. 23 TAKEN UP**

And the bill:

H. 23. To establish the time period for hunting deer with dogs, and to repeal any law, rule, or regulation in conflict with this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 8.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Guin, Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Pringle, Reed, Robinson, Rogers (M), Smith, Spratt, Starkey, Turner, Vance, Warren and White.

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Nay:

Representatives Clouse, Gaines, Hamilton, Hawkins, Knight (A), McKee, Seibenhener and Sims.

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### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 7. AMENDING ACT 96-589, SJR 120, 1996 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND THE STATEWIDE HEALTH COORDINATING COUNCIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 96-589, SJR 120, 1996 Regular Session, is amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative study committee to study the operation and the certificate of need process of the State Health Planning and Development Agency and the Statewide Health Coordinating Council. The committee shall be composed of five members consisting of chairs of the Senate and House Health Committees and three members of the Alabama Legislature who shall be appointed as follows:

"1. One member of the Senate to be appointed by the Governor.

"2. One member of the Senate to be appointed by the presiding officer of the Senate.

"3. One member of the House of Representatives to be appointed by the Speaker of the House of Representatives.

"The committee shall study all facets of the certificate of need process of the State Health Planning and Development Agency and the Statewide Health Coordinating Council. The State Health Planning and Development Agency is requested not to approve an application for a certificate of need for beds for levels of care not currently addressed in the State Health Plan during the pendency of this study. The Lieutenant Governor shall set the first meeting of the committee within 30 days of the enactment of this resolution and at the first meeting of the committee, the committee shall select a chair.

"Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the first legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, a member shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed fifteen thousand dollars (\$15,000)."

McDOWELL LEE  
Secretary

#### SENATE MESSAGE

The resolution, S.J.R. 7, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 8. DESIGNATING OCTOBER 5, 1996, AS BRITISH CAR FESTIVAL DAY AT BELLINGRATH GARDENS.

McDOWELL LEE  
Secretary

#### SENATE MESSAGE

The resolution, S.J.R. 8, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford, Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 10. MOURNING THE DEATH OF TOM NICHOLSON OF JASPER, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 10, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 30. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; to establish uniform polling hours; and to provide criminal penalties for violations.

TOMMY CARTER  
Chairman

And the bill, H. 30, as engrossed, was ordered sent to the Senate.

**RESOLUTIONS**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Ford:

H.R. 35. COMMENDING LINDA M. EAVES ON HER OUTSTANDING CONTRIBUTIONS TO GADSDEN STATE COMMUNITY COLLEGE.

Also:

The following resolution was introduced:

By Representative Ford:

H.J.R. 36. COMMENDING LINDA M. EAVES ON HER OUTSTANDING CONTRIBUTIONS TO GADSDEN STATE COMMUNITY COLLEGE.

The resolution, H.J.R. 36, was read and referred to the Standing Committee on Rules.

#### **CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:20 A.M. on July 19, 1996.

H.J.R. 3

H.J.R. 2

H.J.R. 5

H.J.R. 7

H.J.R. 8

H.J.R. 9

H.J.R. 10

H.J.R. 11

H.J.R. 12

GREG PAPPAS  
Clerk

#### **ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 3:00 o'clock p.m., Monday, July 22, 1996.



**SECOND EXTRAORDINARY SESSION  
4th Day**

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**FOURTH DAY**

**House of Representatives  
Montgomery, Alabama  
Monday, July 22, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Luther Pratt, Minister, South East Church of Christ, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alicia Gowan, Freshman, AUM, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 3:00 o'clock p.m. on Tuesday, July 23, 1996, and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 3. DESIGNATING THE ALABAMA INTERNATIONAL AIR SHOW AS THE OFFICIAL INTERNATIONAL AIR SHOW OF THE STATE OF ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 3.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 36. COMMENDING LINDA M. EAVES ON HER OUTSTANDING CONTRIBUTIONS TO GADSDEN STATE COMMUNITY COLLEGE.**

WHEREAS, Linda M. Eaves, who has that unique combination of talent and knowledge that has made her a tremendous asset to Gadsden State Community College, will retire on September 1, 1996, following a 31-year career at the college; and

WHEREAS, an active member of Bellevue Baptist Church, Mrs. Eaves has served Gadsden State Community College as Secretary to the Dean of Students from 1965-71, Secretary to the Dean of instruction from 1971-83, Executive Secretary to the President from 1983-86, and as Secretary to the Dean of Academic and Student Affairs from 1986-96; and

WHEREAS, Mrs. Eaves was one of the first employees hired by Gadsden State Community College upon its establishment in 1965, and she has served during the administration of all five college presidents, and six Deans of Instruction; she also has seen the college grow from a junior college into a community college; and

WHEREAS, serving admirably as a key member of numerous college-standing committees, including the Support Staff Classification/Review and various accreditation processes, Mrs. Eaves holds one of the most important and essential positions at Gadsden State Community College; and

WHEREAS, Linda M. Eaves, who is the devoted wife of husband, Robert M. "Dugan" Eaves, is looking forward to relaxing and spending time with their grandchildren and family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Linda M. Eaves is commended on her long and distinguished record of professional service to Gadsden State Community College and, by copy of this resolution, extended sincere best wishes for a rewarding and gratifying retirement.

On motion of Representative Carter, the resolution, H.J.R. 36, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 10. MOURNING THE DEATH OF TOM NICHOLSON OF JASPER, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 10.

#### **BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 18. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

H. 5. To amend Section 16-25-11.6 of the Code of Alabama 1975, to provide further for purchase of credit in the Teachers' Retirement System for service rendered as a teacher in a United States Army school under certain conditions.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 16. (With Amendment): Relating to motor vehicle distinctive license tags so as to provide for distinctive motor vehicle license tags for members of the Freemasons, Scottish Rite Masons, Boy Scout supporters, Girl Scout supporters, and Emergency Medical Technicians; to also permit the purchase of "Educator" and "Retired Educator" tags by spouses by amending Section 36-6-302 of the Code of Alabama 1975, relating to distinctive license tags for "Educators" and "Retired Educators"; to provide for the disposition of the proceeds of the additional fees and costs of the distinctive tags; to provide for additional administrative provisions; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 17. (With Substitute): To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the Commission on Higher Education, in the amount of \$135,000 for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 18. To amend Section 11-88-7, Code of Alabama 1975, relating to the powers of a water, sewer, or fire protection authority by providing that an authority may compensate a director of the authority who serves as a manager of the water system of the authority.

H. 19. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

H. 21. To make an appropriation of \$150,000 from the State General Fund to the Fort McClellan Reuse and Redevelopment Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 39. (With Amendment): To make a supplemental appropriation from the Voter Registration Fund and the General Fund in the State Treasury to the Voter Registration Identification Program, in the amounts of fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000), respectively, for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 44. (With Substitute): To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. To exempt the Camp Smile-A-Mile from the payment of all state, county, and municipal sales and use taxes.

H. 56. Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

H. 57. To amend Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

H. 60. Increasing the per diem allowance established by the Governor for state officers and employees.

H. 61. To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for specific exclusions from the gross receipts of utilities.

H. 63. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Federal Reserve System by a certain date.

H. 65. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

H. 73. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

H. 74. Providing for distinctive motor vehicle license tags or plates for members of the Kiwanis International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

H. 78. Amending Section 1 of Act 95-187, H. 438, of the 1995 Regular Session, appearing as Section 40-18-190 of the Code of Alabama 1975, to specify that certain property previously owned or leased by an investing company constitutes a capital cost for purposes of obtaining a state income tax capital credit.

H. 79. To amend Act No. 96-471, S. 203 of the 1996 Regular Session, to appear as Section 11-3-11.2 Code of Alabama 1975, relating to the authority of county commissions to collect or provide for the collection of local taxes, to clarify that existing local laws, or resolutions, or general acts authorizing or levying a local tax, would prevail over conflicting rules and regulations of the State Department of Revenue.

H. 80. To make a supplemental appropriation from the Forestry Commission Fund in the General Fund in the State Treasury to the Alabama Forestry Commission, in the amount of one million five hundred thousand dollars (\$1,500,000) for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 81. (With Amendment): To make a supplemental appropriation from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

H. 82. (With Amendment): To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 55. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

H. 71. To amend Section 34-37-4, and Section 34-37-6, as amended by Act No. 96-795 of the 1996 Regular Session, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board; to provide for an increase in compensation for members of the board and to clarify that an applicant for master gas fitter examination must be a journeyman gas fitter.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 85. (With Amendment): To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

H. 86. (With Amendment): To amend Section 17-6-13 of the Code of Alabama 1975, to provide mileage for the returning officer.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 84. To amend Section 17-13-6, Code of Alabama 1975, to require statement of votes and poll list to be delivered within two hours after the election.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 64. To amend Section 22-27-3, Code of Alabama 1975, relating to the authority of local governing bodies to provide for solid waste collection services and fees; to allow local governing bodies to adopt rules and regulations to provide exemptions from those services and fees.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838, 1996 Regular Session, which levies a sales and use tax in the county, to decrease the tax levied on the sale of certain machinery and automobiles and providing for a retroactive effect.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 49. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

S. 51. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.



**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Reed:

H. 87. To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; to provide for future increases in compensation; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

**COMMITTEE ON WAYS AND MEANS**

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hale:

S. 1. To make a supplemental appropriation from the Voter Registration Fund and the General Fund in the State Treasury to the Voter Registration Identification Program, in the amounts of fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000), respectively, for the fiscal year ending September 30, 1997.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 1.                   Ways and Means.

**RESOLUTIONS**

The following resolutions were introduced:

By Representatives Ford, Galliher and Page:

**H.J.R. 37. COMMENDING IDA JO PILLITARY FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.**

WHEREAS, effective September 1, 1996, Ida Jo Pillitary will retire following 13 years of dedicated service with the Gadsden City Board of Education, and some 44 years in education; and

WHEREAS, as secretary to the superintendent of the Gadsden City Board of Education for more than a decade since 1983, Ida Jo Pillitary has played an invaluable role in and contributed significantly to the success of the board; and

WHEREAS, over the years of her successful tenure she has become a truly valued employee whose loyalty, commitment, proficiency, and diligence in the performance of her duties and responsibilities, and whose wealth of knowledge in departmental affairs have earned for her the highest admiration and regard of both her co-workers and peers; and

WHEREAS, in prior service to education in our state, Mrs. Pillitary served as secretary with the State Department of Education, Division of Secondary Education (1952-53); as secretary/clerk with the Gadsden City School System, Emma Sansom High School (1956-1957, 1960-1962); and as bookkeeper with the Gadsden City Title I Federal Programs (1966-1983); and

WHEREAS, Mrs. Pillitary also is an active member of St. James Catholic Church and, most especially, a devoted wife and a proud mother and grandmother; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her retirement, and in gratitude and esteem of her many years of faithful and devoted service to the Gadsden City School System and to public education in our state, highest commendation is hereby accorded Ida Jo Pillitary, for whom a copy of this resolution shall be provided with sincere regard and best wishes for the future.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 37, was adopted.

Also:

By Representative McMillan:

**H.J.R. 38. EXPRESSING OPPOSITION TO OIL AND GAS STRUCTURES WITHIN 15 MILES OF THE ALABAMA GULF COAST.**

The resolution, H.J.R. 38, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Carothers, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 39. COMMENDING CHIEF WARRANT OFFICER FOUR CHARLES WAYNE BROWN FOR OUTSTANDING SERVICE TO THE STATE AND NATION.

Also:

The following resolution was introduced:

By Representatives Carothers, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 40. COMMENDING CHIEF WARRANT OFFICER FOUR CHARLES WAYNE BROWN FOR OUTSTANDING SERVICE TO THE STATE AND NATION.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Chief Warrant Officer Charles Wayne Brown for over forty one years of distinguished military service to this state and nation; and

WHEREAS, Chief Warrant Officer Brown has set the standard by which all others who follow him will be measured. He has been recognized for his expertise in logistical military operations used by the entire Army National Guard of the United States; and

WHEREAS, throughout his dedicated tenure with the Alabama Army National Guard, and United States Army, Chief Warrant Officer Brown has been greatly admired as a loyal and dependable soldier, and most highly regarded for the responsible manner in which he has undertaken and discharged his many duties in Logistical Readiness for the United States Property and Fiscal Office for Alabama; and

WHEREAS, Chief Warrant Officer Brown has proven to be a Superb Leader and has brought great credit on Himself and the Alabama Army National Guard, as well as the United States Army, and is in keeping with the highest military traditions; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, we hereby most highly commend and congratulate Chief Warrant Officer Brown, of Dothan, Alabama, on his many years of exemplary service to this State and Nation and, by copy of this resolution, extend to him our sincere best wishes for future happiness and success.

On motion of Representative Carothers, the rules were suspended and the resolution, H.J.R. 40, was adopted.

### **BILLS ON THIRD READING**

And the bill:

H. 31. Relating to Calhoun County; to prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of on-premise license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

**SECOND EXTRAORDINARY SESSION**  
**4th Day**

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Yeas 24; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Carns, Dean, Flowers, Gaston, Gipson, Guin, Hawkins, Lindsey, Morton, Murphree, Papucci, Payne, Rogers (M), Sanderford, Sims, Spratt, Thomas (J), Townsend, Turnham, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 47. Relating to St. Clair County; proposing an amendment to the Constitution of Alabama of 1901; to authorize the Legislature to regulate and alter the costs and charges of court in St. Clair County; and to provide for the distribution of any additional revenue for the juvenile court system and juvenile programs in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Venable, Warren, Willis and Wren.

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And the bill:

H. 70. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Representatives Baker, Black (M), Box, Burke, Carns, Clouse, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Letson, Lindsey, McAdory, McDaniel, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Willis and Wren.

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### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Rogers (J):

H.R. 41. RECOGNIZING THE WOODS FAMILY REUNION, JULY 4-7, 1996.

Also:

By Representative Curry:

H.R. 42. MOURNING THE DEATH OF JAMES R. HAMPTON, SR., OF BESSEMER, ALABAMA.

Also:

By Representatives Ford, Galliher and Page:

H.R. 43. COMMENDING IDA JO PILLITARY FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

**BILLS ON THIRD READING RESUMED**

And the bill:

H. 32. (With Substitute): To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public four-year colleges and universities of the state.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 32, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public two-year and four-year colleges and universities of the state.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 41-16-21, Code of Alabama 1975, is amended to read as follows:

"§41-16-21.

"(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the purchase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers or other individuals possessing a high degree of professional skill where the

personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the State Bureau of Tourism and Travel authorized under Section 41-7-4 or advertising of the state parks by the Department of Conservation and Natural Resources; purchases of alcoholic beverages only by the Alcoholic Beverage Control Board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds on May 29, 1985, operated by any state department, except the Department of Mental Health and Mental Retardation, board, bureau, commission, committee, institution, upon approval of the governing board of the institution, corporation, authority or office; purchases by the Department of Transportation of local materials from any property owners in the vicinity of a project on which the local materials shall be used or purchases and contracts for repair of equipment used in the construction and maintenance of highways by the Department of Transportation; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the Department of Corrections; and purchases, contracts, or repairs by the State Docks Department when it is deemed by the Director of State Docks and the Secretary-Treasurer of the State Docks Department that the purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce. The Director of State Docks and the Secretary-Treasurer of the State Docks Department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in that particular instance, and the sworn statement shall be open to public inspection. A copy of the sworn statement shall be furnished forthwith to the chief examiner of public accounts.

"(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the State Docks Department shall be exempt from the provisions of this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the Department of Finance, Division of Purchases and Stores. The educational and eleemosynary institutions, the State Docks Department, and the other state agencies exempted from this article shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7,500) or more. Provided, however, contracts that do not expend state funds which are let by or on behalf of a state two-year or four-year college or university for the selection of



service contracts shall be exempt from competitive bidding. The institutions, departments, and agencies shall establish and maintain purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each institution, department, or agency.

"(c) Contracts entered into in violation of this article shall be void.

"(d) Nothing in this section shall be construed as repealing Sections 9-2-106 and 9-2-107."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **H. 32 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 32, and the pending substitute reported by the Standing Committee on State Administration were temporarily carried over at the request of Representative Burke.

#### **RESOLUTIONS**

The following resolutions were introduced:

By Representative Turner:

H.J.R. 44. DECLARING THE WEEK OF JULY 22-26, 1996, AS CAMP S.M.I.L.E. WEEK.

The resolution, H.J.R. 44, was read and referred to the Standing Committee on Rules.

Also:

By Representative Turner:

H.R. 45. DECLARING THE WEEK OF JULY 22-26, 1996, AS CAMP S.M.I.L.E. WEEK.

The resolution, H.R. 45, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Boyd, Johnson (R) and Sims:

H.R. 46. COMMENDING DR. EDWARD L. HALL FOR HIS OUTSTANDING CAREER ACCOMPLISHMENTS.

Also:

By Representative Papucci:

H.R. 47. COMMENDING BERTE WOODHAM BIRDSONG ON HER CONTRIBUTIONS TO THE REPUBLICAN PARTY.

Also:

By Representative Houston:

H.R. 48. RECOGNIZING THE ROOSEVELT AREA REUNION, BIRMINGHAM, ALABAMA.

#### **BILLS ON THIRD READING RESUMED**

And the bill:

H. 67. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

And the bill:

H. 1. To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

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### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Turner, the rules were suspended in order to take up out of order the bill, H. 54.

And the bill:

H. 54. (With Substitute): To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Oil and Gas to the bill, H. 54, said committee substitute being as follows:

To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

### SUBSTITUTE TABLED

On motion of Representative Turner, the substitute reported by the Standing Committee on Oil and Gas to the bill, H. 54, was tabled.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill, H. 54, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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SECOND EXTRAORDINARY SESSION  
4th Day

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And the bill:

H. 45. To establish the time period for hunting deer with dogs and stalk deer hunting; and to repeal any law, rule, or regulation in conflict with this act.

was taken up.

**MOTION TO CARRY OVER OFFERED**

Representative Dolbare offered the motion to carry over the bill, H. 45, to the sixth legislative day.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Page intended to vote "Yea" on passage of the bill, H. 54.

**ADJOURNMENT**

On motion of Representative Penry, the House adjourned until 3:00 o'clock p.m., Tuesday, July 23, 1996.

Yeas 49; Nays 32.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Crigler, Curry, Dolbare, Gaines, Galliher, Graham, Guin, Haney, Hawkins, Hayden, Hilliard, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Sanderford, Sanderson, Sims, Spratt, Thomas (J), Townsend, Turner, Vance, Warren and Willis.

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Nay:

Mr. Speaker, Baker, Burke, Clouse, Collins, Dean, Dukes, Flowers, Gaston, Gipson, Hamilton, Hammett, Hill, Hinshaw, Knight (A), Layson, Lindsey, McKee, Mitchell, Morrison, Page, Papucci, Parker (P), Petelos, Pringle, Rogers (J), Rogers (M), Smith, Thomas (D), Turnham, Venable and Wren.

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**FIFTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, July 23, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Paul Poynor, Trinity Presbyterian Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ivory Patton, Senior, Lanier High School, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the fourth legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Carter.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 32. COMMENDING ARVIE GASTON TEW OF BARBOUR COUNTY, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 13. NAMING THE ANNISTON WESTERN BY-PASS THE DONALD G. HOLMES BY-PASS.

Also:

H.J.R. 15. COMMENDING MIKE BOX ON SELECTION AS PRESIDENT-ELECT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES.

Also:

H.J.R. 17. COMMENDING WIN HARRIS FOR OUTSTANDING CONTRIBUTIONS TO THE SELDON CENTER, HUNTSVILLE, ALABAMA.

Also:

H.J.R. 18. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

H.J.R. 20. COMMENDING MRS. MARGARET BRAZEAL SHUFF ON HER 90TH BIRTHDAY.

McDOWELL LEE  
Secretary

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 27. MOURNING THE TRAGIC DEATHS OF THE VICTIMS OF TRANS WORLD AIRLINES FLIGHT 800.

Also:

H.J.R. 33. COMMENDING BISHOP ZEDEKIAH LAZETT GRADY UPON HIS DISTINGUISHED MINISTRY AND WELCOMING HIM TO ALABAMA.

Also:

H.J.R. 36. COMMENDING LINDA M. EAVES ON HER OUTSTANDING CONTRIBUTIONS TO GADSDEN STATE COMMUNITY COLLEGE.

Also:

H.J.R. 37. COMMENDING IDA JO PILLITARY FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.



Also:

H.J.R. 40. COMMENDING CHIEF WARRANT OFFICER FOUR CHARLES WAYNE BROWN FOR OUTSTANDING SERVICE TO THE STATE AND NATION.

McDOWELL LEE  
Secretary

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 3:00 o'clock p.m. on Wednesday, July 24, 1996, and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 45. DECLARING THE WEEK OF JULY 22-26, 1996, AS CAMP S.M.I.L.E. WEEK.

WHEREAS, Camp S.M.I.L.E. (Special Meaning In Life Experiences), located in Citronelle, Alabama, is a camp for children and adults with mental and/or physical disabilities; and

WHEREAS, Camp S.M.I.L.E. was founded in 1972 by Reverend Glenn L. Vernon, who is the Executive Director of Camp S.M.I.L.E.; and

WHEREAS, Camp S.M.I.L.E. is jointly sponsored by the Mobile Baptist Association and the Mobile Association for Retarded Citizens, and uses the facilities of the Mobile Baptist Citronelle Assembly; and

WHEREAS, Camp S.M.I.L.E. is open to all denominations and has served 5,901 campers in its 25 summers; and

WHEREAS, Camp S.M.I.L.E. is commemorating its Twenty-Fifth Anniversary this summer; and

WHEREAS, many hundreds of young people have served as volunteer counselors during these 25 summers; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the members hereby declare the week of July 22-26, 1996 as Camp S.M.I.L.E. Week.

BE IT FURTHER RESOLVED, That the hundreds of volunteers that have served as counselors and in other capacities be congratulated on their many years of service to the mentally and/or physically disabled.

RESOLVED FURTHER, That Reverend Glenn L. Vernon be presented with a copy of this resolution in token of our appreciation and that a copy be provided for appropriate display at Camp S.M.I.L.E.

On motion of Representative Ford, the resolution, H.R. 45, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

S.J.R. 7. AMENDING ACT 96-589, SJR 120, 1996 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND THE STATEWIDE HEALTH COORDINATING COUNCIL.

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend SJR 7 on page 3, line 10, by striking after the words "exceed" the following: "fifteen" and inserting in lieu thereof the following: "ten" and on page 3, line 11, by striking after the words "dollars" the following: "(\$15,000)" and inserting in lieu thereof the following: "(\$10,000)"

### **AMENDMENT ADOPTED**

And the amendment was adopted.

### **RESOLUTION ADOPTED**

On motion of Representative Ford, the resolution, S.J.R. 7, as amended, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 44. DECLARING THE WEEK OF JULY 22-26, 1996, AS CAMP S.M.I.L.E. WEEK.

WHEREAS, Camp S.M.I.L.E. (Special Meaning In Life Experiences), located in Citronelle, Alabama, is a camp for children and adults with mental and/or physical disabilities; and

WHEREAS, Camp S.M.I.L.E. was founded in 1972 by Reverend Glenn L. Vernon, who is the Executive Director of Camp S.M.I.L.E.; and

WHEREAS, Camp S.M.I.L.E. is jointly sponsored by the Mobile Baptist Association and the Mobile Association for Retarded Citizens, and uses the facilities of the Mobile Baptist Citronelle Assembly; and

WHEREAS, Camp S.M.I.L.E. is open to all denominations and has served 5,901 campers in its 25 summers; and

WHEREAS, Camp S.M.I.L.E. is commemorating its Twenty-Fifth Anniversary this summer; and

WHEREAS, many hundreds of young people have served as volunteer counselors during these 25 summers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members hereby declare the week of July 22-26, 1996 as Camp S.M.I.L.E. Week.

BE IT FURTHER RESOLVED, That the hundreds of volunteers that have served as counselors and in other capacities be congratulated on their many years of service to the mentally and/or physically disabled.

RESOLVED FURTHER, That Reverend Glenn L. Vernon be presented with a copy of this resolution in token of our appreciation and that a copy be provided for appropriate display at Camp S.M.I.L.E.

On motion of Representative Ford, the resolution, H.J.R. 44, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 8. DESIGNATING OCTOBER 5, 1996, AS BRITISH CAR FESTIVAL DAY AT BELLINGRATH GARDENS.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 8.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 3. DESIGNATING THE ALABAMA INTERNATIONAL AIR SHOW AS THE OFFICIAL INTERNATIONAL AIR SHOW OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 10. MOURNING THE DEATH OF TOM NICHOLSON OF JASPER, ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 32. COMMENDING ARVIE GASTON TEW OF BARBOUR COUNTY, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**BILLS ON SECOND READING**

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 58. Relating to Randolph County; proposing a local constitutional amendment to authorize and ratify previous expenditures of ad valorem tax proceeds and gasoline tax proceeds for certain county expenses related to landfill closures, grading and excavation of industrial parks, and computer purchases for county offices.

The above bill was read a second time at length as required by the Constitution.

S. 21. Relating to Fayette County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

S. 63. Relating to Greene County, authorizing the Greene County Commission by resolution to establish the rate at which the commission will

reimburse employees for mileage incurred in carrying out their official duties. The rate established by the Commission shall not exceed the current federal rate paid for mileage.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 57. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 1. To make a supplemental appropriation from the Voter Registration Fund and the General Fund in the State Treasury to the Voter Registration Identification Program, in the amounts of fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000), respectively, for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 68. (With Amendment): To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 24. Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

**5th Day**

The above bill was read a second time at length as required by the Constitution.

**RESOLUTIONS**

The following resolution was introduced:

By Representatives Box, Buskey, Turner, McMillan, Clark (W), Kennedy, Dolbare, Gaston, Pringle, Penry, Dean, Crigler and Mitchell:

**H.J.R. 49. MOURNING THE DEATH OF E. R. MORRISSETTE, JR.**

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of E. R. "Bob" Morrisette, Jr., a native of Monroeville, Alabama, at the age of 73 years; and

WHEREAS, serving his country with honor in the United States Army during World War II, Mr. Morrisette received a journalism degree from the University of Alabama, and was employed at the Baldwin Times in Bay Minette, Alabama, before he began his career with the Atmore Advance in 1959; and

WHEREAS, a veteran newspaperman whose creative energies appeared at times to be boundless, Mr. Morrisette spent more than three decades covering news as a reporter, editor, and publisher; and

WHEREAS, in addition to his outstanding contributions to the Chamber of Commerce and other civic organizations, Mr. Morrisette ultimately sold the Atmore Advance, and accepted a job as Senator Howell Heflin's executive assistant for southwestern Alabama in 1979; and

WHEREAS, known as a brilliant newsman who maintained consistent high quality and excellence in his work, Mr. Morrisette received the Distinguished Alumnus in Journalism Award from the University of Alabama and, subsequently, became President of the Alabama Press Association; and

WHEREAS, as a result of his tireless hard work and unwavering commitment, Mr. Morrisette has indeed succeeded in compiling an impressive record of career achievements, a record that has earned for him the admiration and respect of those persons who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with gratitude and praise the life and selfless service of the late E. R. "Bob" Morrisette, Jr., and do further direct that a copy of this resolution be provided for his family with our sincere condolence.

On motion of Representative Box, the rules were suspended and the resolution, H.J.R. 49, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Box, Buskey, Turner, McMillan, Clark (W), Kennedy, Dolbare, Gaston, Pringle, Penry, Dean, Mitchell and Crigler:

H.R. 50. MOURNING THE DEATH OF E. R. MORRISSETTE, JR.

Also:

By Representative Warren:

H.R. 51. COMMENDING SONNY BARLOW AND THE CASTLEBERRY COMMUNITY FOR THEIR SELFLESS SERVICE TO OTHERS.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 23. HONORING MRS. RACHAEL BELLOTTE WILLIAMSON ON HER 80TH BIRTHDAY.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

On motion of Representative Warren, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 23, the title of which is set out in the foregoing Message from the Senate.

### RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:



By Representative Robinson:

H.R. 52. MOURNING THE DEATH OF SUNSHINE EVE HILL OF SCOTTSBORO, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Rogers (J):

H.J.R. 53. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

WHEREAS, effective December 31, 1996, Ms. Elmira Higginbotham will retire following almost 25 years of distinguished service to the University of Alabama-Birmingham (UAB); and

WHEREAS, over the years of her successful tenure at UAB, Ms. Higginbotham has ably served as Library Assistant in the Media Center of the Mervyn Sterne Library (1972-1980); contributed significantly to the success of the Special Academic Programs of UAB Special Studies in its service of the nontraditional students of UAB (1980-1984); and administered with acumen the many facets of the Office of the Dean of UAB Special Studies and Assistant Provost for Educational Outreach since 1984; and

WHEREAS, in her role as a continuing education professional, Ms. Higginbotham has exhibited a commitment to educational excellence, serenity under pressure, and extraordinary qualities of leadership and ability; and

WHEREAS, among many praiseworthy efforts and achievements, Ms. Higginbotham has directed the development of human resources within UAB Special Studies, mindful of the unique value and potential of each individual, and has participated in the initiation and fostered the growth of the Minority Business Development and Training Program which provides educational programs and technical assistance for owners of minority enterprises to enhance their competitiveness, and to sustain their subsequent success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of her retirement, and in tribute to her outstanding tenure of service at UAB and to the education and advancement of the nontraditional, special student, highest commendation is hereby accorded Ms. Elmira Higginbotham, for whom a copy of this resolution of sincere gratitude and esteem shall be provided.

On motion of Representative Rogers (J), the rules were suspended and the resolution, H.J.R. 53, was adopted.

Also:

By Representative McMillan:

H.R. 54. EXPRESSING OPPOSITION TO OIL AND GAS STRUCTURES WITHIN 15 MILES OF THE ALABAMA GULF COAST.

WHEREAS, some 32 miles of beach frontage on the coast of Baldwin County, Alabama provide a scenic and serene environment which enhances the quality of life for its residents and visitors; and

WHEREAS, this limited amount of valuable beach serves as a prime tourist attraction for over 2 million visitors per year; and

WHEREAS, the tourism attracted by this beach generates almost one billion dollars of annual expenditures in the state and almost one hundred million dollars of tax revenue for local and state governments; and

WHEREAS, extensive petroleum exploration and production have already occurred in the waters of Mobile Bay and off the coast of Fort Morgan peninsula; and

WHEREAS, further leasing in state and federal waters could adversely affect the character of this beautiful area and visually impose upon a valuable asset of the people of this great state; and

WHEREAS, the Alabama House of Representatives appreciates a reasonable policy of exploration and production of petroleum resources; and

WHEREAS, the natural curvature of the earth is such that a point 15 miles in the gulf is not practically visible from a point of equal height on the beach; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Alabama House of Representatives does hereby express strong opposition to any further construction of any visible structures used for the exploration or production of petroleum resources in state or federal waters within a 15-mile range of the Baldwin County, Alabama coast and any new leasing or relaxation of any ban which could result in the construction of such structures.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Department of Conservation and Natural Resources of the state, and to the United States Department of the Interior as an expression of the sentiment of the Alabama House of Representatives.

On motion of Representative McMillan, the rules were suspended and the resolution, H.R. 54, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Rogers (J):

H.R. 55. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

### **BILLS ON THIRD READING**

And the bill:

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838, 1996 Regular Session, which levies a sales and use tax in the county, to decrease the tax levied on the sale of certain machinery and automobiles and providing for a retroactive effect.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Maull offered the following substitute to the bill, H. 72:

#### **A BILL TO BE ENTITLED AN ACT**

Relating to Dallas County; amending Act No. 96-623, H. 838 of the 1996 Regular Session, which authorizes the levy of a sales and use tax in the county, to decrease the taxes levied on the sale of certain machinery, equipment, and automobiles, and providing for a retroactive effect.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 3 of Act No. 96-623, H. 838 of the 1996 Regular Session, which levies a sales and use tax in Dallas County, is amended to read as follows:

"Section 3. (a) Except as provided in subsection (b), the County Commission of Dallas County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one percent (1%) privilege license tax against gross sales or gross receipts.

"(b) The rate of tax applicable to machines (manufacturing rate) used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property shall be three quarters of one percent (.75%). The rate of tax applicable to any automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home setup materials and supplies (automotive rate) shall be one quarter of one percent (.25%). The rate of tax applicable to any machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment (agricultural rate) shall be one quarter of one percent (.25%).

"(c) The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act."

Section 2. The provisions of this act shall be retroactive to July 1, 1996.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Hall (A), Hawk, Hill, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Knight (A), Letson, McAdory, McClammy, McMillan, Moore, Morton, Papucci, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Turnham, Vance, White and Wren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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**5th Day**

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And the bill:

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838 of the 1996 Regular Session, which authorizes the levy of a sales and use tax in the county, to decrease the taxes levied on the sale of certain machinery, equipment, and automobiles, and providing for a retroactive effect.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Clouse, Curry, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Haney, Hawk, Hayden, Hill, Hinshaw, Hooper, Jackson, Johnson (E), Knight (A), Lindsey, Maul, McClammy, McDaniel, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Turner, Turnham, Vance, White and Wren.

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Nay:

Representative Hall (A).

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 49. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

was read a third time at length and passed.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Clouse, Collins, Curry, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hawk, Hayden, Hill, Hooper, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, McClammy, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Turnham, Vance, White, Willis and Wren.

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### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 51. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

was read a third time at length and passed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Black (M), Burke, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hawk, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, McClammy, McDaniel, McKee, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little and Ghee:

S.J.R. 20. URGING THE ESTABLISHMENT OF THE ALABAMA ASSOCIATION OF DEFENSE ECONOMIES.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 20, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 14. CALLING ON THE CHIEF ELECTIONS OFFICER AND THE DIRECTOR OF THE STATE OFFICE OF VOTER REGISTRATION TO ENSURE THAT COUNTY BOARDS OF REGISTRARS COMPLETE VOTER REIDENTIFICATION.

WHEREAS, a statewide voter reidentification program is mandated by Act 94-389, codified as Sections 17-4-180 to 17-4-191, inclusive, Code of Alabama 1975; and

WHEREAS, county boards of registrars are required to meet during the month of August for the purpose of purging the voter registration lists of all persons who fail to reidentify; and

WHEREAS, a supplemental appropriation has been proposed in the current session to provide additional funding for the Voter Registration Identification Program for voter reidentification; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, by copy of this resolution, we hereby call upon the Chief Elections Officer of the State and the Director of the State Office of Voter Registration to ensure that local boards of registrars complete the voter reidentification registration mandated pursuant to Sections 17-4-180 to 17-4-191, inclusive, Code of Alabama 1975.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 14, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Freeman:

S.J.R. 16. CREATING THE JOINT INTERIM LEGISLATIVE COMMITTEE ON SCRAP TIRE REGULATION.

WHEREAS, the Legislature finds an ever-increasing number of expanding stockpiles of scrap tires in Alabama containing in excess of 100,000 tires each, some of which are located near large human populations; and

WHEREAS, well-documented public health vector control data from the Centers for Disease Control and Prevention confirm that scrap tires are a preferred breeding site for specific species of mosquitoes which are identified as vectors of epidemic-level human diseases; and



WHEREAS, current Alabama statutes are inadequate in their provision for remedies enabling the state, through the Alabama Department of Public Health or other agencies, to act to prevent the development of these unauthorized dumps which can become nuisances menacing public health; and

WHEREAS, under current law, generators of scrap tires have no specific statutory duty to dispose of such tires properly and limited liability for improper disposal methods; and

WHEREAS, each of our neighboring states has in place a dedicated program to ensure the proper management of scrap tires effectively causing Alabama to become a repository for surpluses of scrap tires from other jurisdictions; and

WHEREAS, there are existing end-users who could consume the majority of scrap tires generated in Alabama as a raw material in manufacturing or for energy production if the appropriate markets were developed; and

WHEREAS, it is in the public health interest of the state, as well as the economic interest of the state to institute a statutory scrap tire control program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Legislative Committee on Scrap Tire Regulation. The committee shall investigate and determine the optimal course of action for the state to take in the control and abatement of unauthorized scrap tire dumps. The committee shall study the current regulatory authority of the Department of Public Health and the Alabama Department of Environmental Management for the safe handling and processing of scrap tires and shall recommend additional necessary legislative, administrative, or other measures to address identified problems.

The committee shall be composed of three members of each house of the Legislature to be appointed by the presiding officer of each respective house, the State Health Officer, the Director of the Alabama Department of Environmental Management, a member appointed by the Speaker of the House representing the Business Council of Alabama, a member appointed by the Speaker of the House representing a business, firm, or entity which is currently involved in the end-use disposal of tires, a member appointed by the Lieutenant Governor representing the Tire Retailers Association and a member appointed by the Lieutenant Governor representing consumers. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee.

The Department of Public Health and the Alabama Department of Environmental Management are requested to serve the committee as the official regulatory agencies to provide information on the current status of legislation and administrative rules governing tire processing.

The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and responsibilities.

Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The maximum amount to be expended under the provisions of this resolution shall be ten thousand dollars (\$10,000).

RESOLVED FURTHER, That a copy of this resolution be sent immediately to the State Health Officer, Alabama Department of Public Health, and the Director of the Alabama Department of Environmental Management.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 16, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchell, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 13. COMMENDING JOYCE MANASCO, MARY RICHARDSON, AND MARY JOHNSON ON THE OCCASION OF THEIR RETIREMENT.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ghee:

S.J.R. 19. COMMEMORATING THE LIFE OF JIMMY BROOKS.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Willis, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 19, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford and Windom:

S.J.R. 21. COMMENDING DAVID PERRY ON HIS OUTSTANDING ACCOMPLISHMENTS.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 21, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Poole:

S.J.R. 18. INVITING KATE RANDALL, 1996 PRESIDENT OF GIRLS NATION, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Kate Randall, 1996 President of Girls Nation, is hereby most respectfully requested to address a joint session of the Alabama Legislature at a date and time to be agreed upon.

BE IT FURTHER RESOLVED, That by copy of this resolution, Miss Randall be advised of our invitation and of our hopeful anticipation of her acceptance.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 18, set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Poole:

S.J.R. 17. RECOGNIZING THE 50TH ANNIVERSARY CELEBRATION OF THE MICHELIN-B. F. GOODRICH TIRE PLANT IN TUSCALOOSA, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate.

**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Hamilton to suspend the rules in order to take up out of order the bill, H. 20, was lost, lacking a four-fifths vote.

Yeas 54; Nays 16.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hawk, Hawkins, Hill, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Letson, McAdory, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Willis and Wren.

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Nay:

Representatives Black (L), Burke, Carothers, Clouse, Hall (A), Haney, Hayden, Hinshaw, Johnson (E), Johnson (R), Minnifield, Mitchell, Newton (D), Papucci, Sanderson and Turner.

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**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Pringle, the rules were suspended in order to take up out of order the bill, H. 84.

And the bill:

H. 84. To amend Section 17-13-6, Code of Alabama 1975, to require statement of votes and poll list to be delivered within two hours after the election.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838 of the 1996 Regular Session, which authorizes the levy of a sales and use tax in the county, to decrease the taxes levied on the sale of certain machinery, equipment, and automobiles, and providing for a retroactive effect.

TOMMY CARTER  
Chairman

And the bill, H. 72, as engrossed, was ordered sent to the Senate.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 13. NAMING THE ANNISTON WESTERN BY-PASS THE DONALD G. HOLMES BY-PASS.

Also:

H.J.R. 15. COMMENDING MIKE BOX ON SELECTION AS PRESIDENT-ELECT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES.

Also:

H.J.R. 17. COMMENDING WIN HARRIS FOR OUTSTANDING CONTRIBUTIONS TO THE SELDON CENTER, HUNTSVILLE, ALABAMA.

Also:

H.J.R. 18. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

H.J.R. 20. COMMENDING MRS. MARGARET BRAZEAL SHUFF ON HER 90TH BIRTHDAY.

Also:

H.J.R. 27. MOURNING THE TRAGIC DEATHS OF THE VICTIMS OF TRANS WORLD AIRLINES FLIGHT 800.

Also:

H.J.R. 33. COMMENDING BISHOP ZEDEKIAH LAZETT GRADY UPON HIS DISTINGUISHED MINISTRY AND WELCOMING HIM TO ALABAMA.

Also:

H.J.R. 36. COMMENDING LINDA M. EAVES ON HER OUTSTANDING CONTRIBUTIONS TO GADSDEN STATE COMMUNITY COLLEGE.

Also:

H.J.R. 37. COMMENDING IDA JO PILLITARY FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

H.J.R. 40. COMMENDING CHIEF WARRANT OFFICER FOUR CHARLES WAYNE BROWN FOR OUTSTANDING SERVICE TO THE STATE AND NATION.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**BILLS ON THIRD READING RESUMED****MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Fuller, the rules were suspended in order to take up out of order the bill, H. 80.

And the bill:

H. 80. To make a supplemental appropriation from the Forestry Commission Fund in the General Fund in the State Treasury to the Alabama Forestry Commission, in the amount of one million five hundred thousand dollars (\$1,500,000) for the fiscal year ending September 30, 1997.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Fuller, the rules were suspended in order to take up out of order the bill, H. 19.



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And the bill:

H. 19. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Seibenhener.

- 1

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Hooper, the rules were suspended in order to take up out of order the bill, S. 55.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole:

S. 61. To allow a state employee to transfer certain excess annual leave to a state employee with a catastrophic illness under certain conditions and providing that this act shall have retroactive effect to December 1, 1995.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 61.                   Ways and Means.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 11. To make a conditional appropriation from the Education Trust Fund of \$27,921,866 to the public four-year colleges and universities to be expended to offset the cost of providing salary increases for faculty and staff for the fiscal year ending September 30, 1997, and to make an appropriation to the Troy State University System and to make an appropriation to the Alabama Industrial Development Training Institute for the operation and maintenance of the Mercedes Benz Training Facility for the fiscal year ending September 30, 1997.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 11.                   Ways and Means.

**S. 55 TAKEN UP**

And the bill:

S. 55. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Venable, Warren, Willis and Wren.

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Nay:

Representative Ford.

-1

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Ford inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, S. 55.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Galliher, the rules were suspended in order to take up out of order the bill, H. 60.

And the bill:

H. 60. Increasing the per diem allowance established by the Governor for state officers and employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

-80

Nay:

Representative Dolbare.

- 1

#### CO-SPONSOR ADDED

Representative Hooper was added as co-sponsor to the bill, H. 60.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McMillan, the rules were suspended in order to take up out of order the bill, H. 82.

And the bill:

H. 82. (With Amendment): To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 82, said committee amendment being as follows:

Amend H. 82 on page 5, line 9 by deleting the underlined word "appropriatate" and inserting in lieu thereof the underlined word "appropriate".

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 82. To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton,

Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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### **MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Rogers (J) to suspend the rules in order to take up out of order the bill, H. 11, was lost, lacking a four-fifths vote.

Yeas 39; Nays 16.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Melton, Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Rogers (J), Spratt, Starkey and Thomas (J).

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Nay:

Representatives Carns, Clouse, Collins, Crigler, Hawkins, Laird, Minnifield, Moore, Morrison, Morton, Murphree, Payne, Seibenhener, Smith, Townsend and Wren.

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### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Drake inadvertently voted "Yea" and intended to vote "Nay" on the motion offered by Representative Rogers (J) to suspend the rules to take up out of order the bill, H. 11.

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Jorgensen, the rules were suspended in order to take up out of order the bill, H. 78.

**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Rogers (J):

H.R. 56. COMMENDING FLORENCE ERNESTINE BAKER SAMPLE OF BIRMINGHAM, ALABAMA.

**BILLS ON THIRD READING RESUMED**

And the bill:

H. 78. Amending Section 1 of Act 95-187, H. 438, of the 1995 Regular Session, appearing as Section 40-18-190 of the Code of Alabama 1975, to specify that certain property previously owned or leased by an investing company constitutes a capital cost for purposes of obtaining a state income tax capital credit.

was taken up.

**MOTION TO INDEFINITELY POSTPONE OFFERED**

Representative Holmes offered the motion to indefinitely postpone the bill, H. 78.

**H. 78 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 78, and the pending motion offered by Representative Holmes to indefinitely postpone the bill were temporarily carried over at the request of Representative Jorgensen.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 82. To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and

collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

TOMMY CARTER  
Chairman

And the bill, H. 82, as engrossed, was ordered sent to the Senate.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 49. Relating to Shelby County; amending Section 1 of Act No. 247, H. 871, 1975 Regular Session (Acts 1975, p. 777), to allow the Shelby County Commission to appropriate funds for lunches for state and county inmates who are performing labor in Shelby County; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

Also:

S. 51. Relating to Shelby County; to authorize the Shelby County Planning Commission and any municipal planning commission in Shelby County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Also:

S. 55. To amend Section 12-17-204, Code of Alabama 1975, to allow certain district attorneys to withdraw from the spousal benefit fund.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.



**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 8. DESIGNATING OCTOBER 5, 1996, AS BRITISH CAR FESTIVAL DAY AT BELLINGRATH GARDENS.

Also:

S.J.R. 13. COMMENDING JOYCE MANASCO, MARY RICHARDSON, AND MARY JOHNSON ON THE OCCASION OF THEIR RETIREMENT.

Also:

S.J.R. 17. RECOGNIZING THE 50TH ANNIVERSARY CELEBRATION OF THE MICHELIN-B. F. GOODRICH TIRE PLANT IN TUSCALOOSA, ALABAMA.

Also:

S.J.R. 18. INVITING KATE RANDALL, 1996 PRESIDENT OF GIRLS NATION, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S.J.R. 19. COMMEMORATING THE LIFE OF JIMMY BROOKS.

Also:

S.J.R. 21. COMMENDING DAVID PERRY ON HIS OUTSTANDING ACCOMPLISHMENTS.

Also:

S.J.R. 23. HONORING MRS. RACHAEL BELLOTTE WILLIAMSON ON HER 80TH BIRTHDAY.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**BILLS ON THIRD READING RESUMED****MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Willis, the rules were suspended in order to take up out of order the bill, H. 21.

Yeas 55; Nays 1.

Yea:

Representatives Black (L), Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Letson, Maull, McAdory, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner and Willis.

-55

Nay:

Representative Dolbare.

- 1

And the bill:

H. 21. To make an appropriation of \$150,000 from the State General Fund to the Fort McClellan Reuse and Redevelopment Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Drake, the rules were suspended in order to take up out of order the bill, H. 44.

Yeas 60; Nays 8.

Yea:

Representatives Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hall (A), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Warren and Willis.

-60

Nay:

Representatives Carns, Fuller, Holmes, Knight (J), McKee, Morrison, Sanderson and Townsend.

- 8

And the bill:

H. 44. (With Substitute): To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 44, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-17-274, Code of Alabama 1975, is amended to read as follows:

"§12-17-274.

"(a) The official court reporters shall be paid a salary by the state in such amount as shall be established by law, to be paid as other state employees are paid.

"(b) In addition to the salary paid by the state, each official court reporter shall be paid a salary by the counties composing the circuit in such amount as shall be established by law. In circuits composed of more than one county, each county shall pay its pro rata part thereof, based on the assessed tax valuation of all property in such county for the preceding year. ~~Such~~ The payments shall be made ~~on a certificate issued by the judge of the court~~ in favor of such official court reporter for the respective amounts due by the several counties each month and shall be paid by the treasurer of each county out of the General Fund.

"(c) This section shall not be construed to repeal or amend any local law, special law, general law, or general law of local application providing extra allowances, compensation, or expenses, for any official court reporter paid from the funds of any county or counties.

"(d) Beginning on October 1, ~~1986~~ 1997, the state salary of all official court reporters ~~employed by the Administrative Office of Courts~~ not covered by the merit system of the State of Alabama shall ~~not be less than \$25,850.68~~ be \$38,263.59 per year.

"(e) In the event a cost of living pay raise bill for all state employees is enacted during the ~~1986~~ 1997 Regular Session of the Legislature, then no official ~~state~~ court reporter who receives any increase in compensation under the terms of this section shall be entitled to such cost of living increase granted in any ~~such~~ law granting a cost of living pay raise.

Section 2. This act shall not be construed to increase any county supplement currently being paid to a court reporter.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### H. 44 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 44, and the pending substitute reported by the Standing Committee on Ways and Means were temporarily carried over at the request of Representative Drake.

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Knight (J):

H.R. 57. DESIGNATING TOMMIE "TONEA" STEWART DAY IN ALABAMA.

**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Burke, the rules were suspended in order to take up out of order the bill, H. 32.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Willis and Wren.

-72

Nay:

Representative Sanderson.

- 1

And the bill:

H. 32. (With Substitute): To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public four-year colleges and universities of the state.

and the pending substitute reported by the Standing Committee on State Administration on the fourth legislative day were taken up.

The question was then on the adoption of the committee substitute to the bill, H. 32.

**SUBSTITUTE TO SUBSTITUTE OFFERED**

Representative Burke offered the following substitute to the substitute reported by the Standing Committee on State Administration to the bill, H. 32:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 41-16-21 and 41-16-51, Code of Alabama 1975, to exempt from competitive bidding all existing contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public two-year and four-year colleges and universities of the state.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 41-16-21 and 41-16-51, Code of Alabama 1975, are amended to read as follows:

**"§41-16-21.**

"(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the purchase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the State Bureau of Tourism and Travel authorized under Section 41-7-4 or advertising of the state parks by the Department of Conservation and Natural Resources; purchases of alcoholic beverages only by the Alcoholic Beverage Control Board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds on May 29, 1985, operated by any state department, except the Department of Mental Health and Mental Retardation, board, bureau, commission, committee, institution, upon approval of the governing board of the institution, corporation, authority or office; purchases by the Department of Transportation of local materials from any property owners in the vicinity of a project on which the local materials shall be used or purchases and contracts for repair of equipment used in the construction and maintenance of highways by the Department of Transportation; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the Department of Corrections; and purchases, contracts, or

repairs by the State Docks Department when it is deemed by the Director of State Docks and the Secretary-Treasurer of the State Docks Department that the purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce. The Director of State Docks and the Secretary-Treasurer of the State Docks Department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in that particular instance, and the sworn statement shall be open to public inspection. A copy of the sworn statement shall be furnished forthwith to the chief examiner of public accounts.

"(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the State Docks Department shall be exempt from the provisions of this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the Department of Finance, Division of Purchases and Stores. The educational and eleemosynary institutions, the State Docks Department, and the other state agencies exempted from this article shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7,500) or more. Provided, however, the renewal of any contract in effect on the effective date of this amendatory act that does not expend state funds and which is let by or on behalf of a state two-year or four-year college or university for the selection of a service contractor shall be exempt from competitive bidding. The replacement of any contract for the selection of a service contractor in existence on the effective date of this amendatory act shall thereafter be subject to competitive bidding. The institutions, departments, and agencies shall establish and maintain purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each institution, department, or agency.

"(c) Contracts entered into in violation of this article shall be void.

"(d) Nothing in this section shall be construed as repealing Sections 9-2-106 and 9-2-107.

"§41-16-51.

"(a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation, or ordinance, and the competitive bidding requirements of this article shall not apply to:

"(1) The purchase of insurance.

"(2) The purchase of ballots and supplies for conducting any primary, general, special, or municipal election.

"(3) Contracts for securing services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part.

"(4) Contracts of employment in the regular civil service.

"(5) Contracts for fiscal or financial advice or services.

"(6) Purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 to 21-2-4, inclusive.

"(7) Purchases of maps or photographs from any federal agency.

"(8) Purchases of manuscripts, books, maps, pamphlets, or periodicals.

"(9) The selection of paying agents and trustees for any security issued by a public body.

"(10) Existing contracts up for renewal for sanitation or solid waste collection, recycling, and disposal between municipalities or counties, or both, and those providing the service.

"(11) Purchases of computer and word processing hardware when the hardware is the only type that is compatible with hardware already owned by the entity taking bids and custom software.

"(12) Professional services contracts for codification and publication of the laws and ordinances of municipalities and counties.

"(13) Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.

"(b) This article shall not apply to:

"(1) Any purchases of products where the price of the products is already regulated and established by state law.

"(2) Purchases made by individual schools of the county or municipal public school systems from moneys other than those raised by taxation or received through appropriations from state or county sources.

"(3) The purchase, lease, sale, construction, installation, acquisition, improvement, enlargement, or expansion of any building or structure or other facility designed or intended for lease or sale by a medical clinic board organized under Sections 11-58-1 to 11-58-14, inclusive.

"(4) The purchase, lease, or other acquisition of machinery, equipment, supplies, and other personal property or services by a medical clinic board organized under Sections 11-58-1 to 11-58-14, inclusive.

"(5) Purchases for public hospitals and nursing homes operated by the governing boards of instrumentalities of the state, counties, and municipalities.



"(6) Contracts for the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement, or extension of any plant, building, structure, or other facility or any machinery, equipment, furniture, or furnishings therefor designed or intended for lease or sale for industrial development, other than public utilities, under Sections 11-54-80 to 11-54-99, inclusive, or Sections 11-54-20 to 11-54-28, inclusive, or any other statute or amendment to the Constitution of Alabama authorizing the construction of plants or other facilities for industrial development or for the construction and equipment of buildings for public building authorities under Sections 11-56-1 to 11-56-22, inclusive.

"(7) The purchase of equipment, supplies, or materials needed, used, and consumed in the normal and routine operation of any waterworks system, sanitary sewer system, gas system, or electric system, or any two or more thereof, that are owned by municipalities, counties, or public corporations, boards, or authorities that are agencies, departments, or instrumentalities of municipalities or counties and no part of the operating expenses of which system or systems have, during the then current fiscal year, been paid from revenues derived from taxes or from appropriations of the state, a county, or a municipality.

"(8) Purchases made by local housing authorities, organized and existing under Chapter 1 of Title 24, from moneys other than those raised by state, county, or city taxation or received through appropriations from state, county, or city sources.

"(9) The renewal of any contract in effect on the effective date of this amendatory act that does not expend state funds and which is let by or on behalf of a state two-year or four-year college or university for the selection of a service contractor shall be exempt from competitive bidding, provided that the replacement of a contract for the selection of a service contractor which is in existence on the effective date of this amendatory act shall be subject to competitive bidding.

"(c) The state trade schools, state junior colleges, state colleges, and universities under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, and the governing bodies of the municipalities of the state shall establish and maintain such purchasing facilities and procedures as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions.

"(d) Contracts entered into in violation of this article shall be void and anyone who violates the provisions of this article shall be guilty of a Class C felony."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE TO SUBSTITUTE ADOPTED**

And the substitute offered by Representative Burke was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Burke offered the following amendment to the bill, H. 32, as amended:

On page 5, line 5, after the language "bidding." add the following new language:

When a contract for the selection of a service contractor comes up for renewal, in no event shall the contract be renewed for a period of time longer than 10 years.

On page 9, line 16, after language "bidding." add the following new language:

When a contract for the selection of a service contractor comes up for renewal, in no event shall the contract be renewed for a period of time longer than 10 years.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton,

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Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

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And the bill:

H. 32. To amend Sections 41-16-21 and 41-16-51, Code of Alabama 1975, to exempt from competitive bidding all existing contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public two-year and four-year colleges and universities of the state.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 11.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Warren and Willis.

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Nay:

Representatives Carns, Curry, Gaines, Hawkins, Johnson (R), McKee, Moore, Payne, Sanderson, Seibenhener and Wren.

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**MOTION TO ADJOURN ADOPTED**

Representative Clark (J) offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Wednesday, July 24, 1996, and the motion was adopted.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:21 P.M. on July 23, 1996.

H.J.R. 32

Delivered to the Governor at 4:08 P.M. on July 23, 1996.

H.J.R. 13

H.J.R. 15

H.J.R. 17

H.J.R. 18

H.J.R. 20

H.J.R. 27

H.J.R. 33

H.J.R. 36

H.J.R. 37

H.J.R. 40

GREG PAPPAS  
Clerk

### ADJOURNMENT

On motion of Representative Seibenhener, the House adjourned until 1:00 o'clock p.m., Wednesday, July 24, 1996.

Yeas 41; Nays 39.

Yea:

Representatives Bandy, Black (L), Buskey, Carns, Carothers, Crigler, Curry, Dolbare, Drake, Gaines, Galliher, Graham, Hall (L), Hawkins, Hayden, Hill, Hogan, Jackson, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, Morton, Murphree, Newton (C), Newton (D), Parker (P), Payne, Petelos, Reed, Rogers (J), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend and Turnham.

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Nay:

Representatives Allen, Baker, Black (M), Clouse, Collins, Dean, Ford, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hilliard, Hinshaw, Holmes, Hooper, Houston, Letson, Lindsey, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Page, Papucci, Pringle, Robinson, Rogers (M), Smith, Thomas (D), Willis and Wren.

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**SIXTH DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, July 24, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Noel Walker, Director of Missions in Autauga County, Southern Baptist, Prattville, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jannae Wesley, 10th Grade, Lanier High School, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Hall (A), the reading at length of the Journal of the House for the fifth legislative day was dispensed with.

**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Page, Ford and Galliher:

H.R. 58. MOURNING THE DEATH OF MICHAEL ROBERT "DOUGLAS" LOGAN OF GADSDEN, ALABAMA.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 32. To amend Sections 41-16-21 and 41-16-51, Code of Alabama 1975, to exempt from competitive bidding all existing contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public two-year and four-year colleges and universities of the state.

TOMMY CARTER  
Chairman

And the bill, H. 32, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

Also:

H. 8. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

Also:

H. 15. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Also:

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

**S.J.R. 25. BINDING OF ACTS AND JOURNALS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Acts of the 1996 Regular Session, the 1996 First and Second Special Sessions be bound together and that the Journals of the 1996 Regular Session be bound separately from the 1996 First and Second Special Sessions.

BE IT FURTHER RESOLVED THAT, Senate Joint Resolution six (6) of the Second Special Session of 1996 is hereby repealed.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 25, set out in the foregoing Message from the Senate.

**RESOLUTIONS**

The following resolutions were introduced:

By Representatives Galliher, Ford and Page:

**H.J.R. 59. COMMENDING THE 1996 COOSA LITTLE LEAGUE ALL-STAR BASEBALL TEAM OF SOUTHSIDE-RAINBOW CITY, ALABAMA.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the 1996 Coosa Little League All-Star Baseball Team for capturing the District Little League Tournament in Rainbow City, Alabama, and the Alabama State Championship Tournament in Andalusia, Alabama; and

WHEREAS, the 1996 Coosa Little League All-Star Baseball Team has brought immense happiness and pride to the local community, and in recognition thereof, the team members, coaching staff, and all of those individuals associated with the team are deserving of special public commendation; and

WHEREAS, members of this talented group of athletes, of whom we are justly proud, are: Jake Ball, Will Barclay, John Bedwell, Evan Bush, Tyler DeJean, Brant Haynie, Steven Hill, Adam Hix, John Lloyd, Chris Morris, Justin Pruitt, Jonathan Schreier, Michael Taber, and Kevin Waddell; and



WHEREAS, these young men, under the skillful leadership and astute guidance of Coaches Gary DeJean and Keith Bush, and Manager, Gary Bolton, have shown great desire and determination as a team to play to the best of their abilities; and

WHEREAS, the Coosa Little League All-Star baseball members will travel to St. Petersburg, Florida, on August 7th for the Regional Little League Tournament representing Southside-Rainbow City, Alabama; their first regional game will be played on August 9th; and

WHEREAS, the citizens of Southside - Rainbow City, Alabama, families, and friends are justly proud of the accomplishments of the 1996 Coosa Little League All-Star Baseball Team, and wish to express their appreciation and continued support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the 1996 Coosa Little League All-Star Baseball Team on its District Little League and Alabama State Championship Tournaments, and do further direct that a copy of this resolution be presented to each team member, the coaches of this championship baseball team, and to the Cities of Southside-Rainbow City, Alabama, so that they may know of our admiration and approval.

On motion of Representative Galliher, the rules were suspended and the resolution, H.J.R. 59, was adopted.

Also:

By Representative Newton (C):

H.J.R. 60. HONORING MRS. VERA OTIS HUGHES EDISON ON HER 100TH BIRTHDAY.

WHEREAS, it is indeed a great pleasure for the Alabama House of Representatives to recognize Mrs. Vera Otis Hughes Edison on her 100th birthday, August 9, 1996; and

WHEREAS, Mrs. Edison was born in Butler County to Ellen S. and Charnic W. Hughes on August 9, 1896, and lived most of her years in the Mt. Pleasant Community before moving to the Georgiana Nursing Home in 1994; and

WHEREAS, she was married to the late Napoleon Edison and is the loving mother to three surviving children; grandmother to nine; and great-grandmother to 19; and

WHEREAS, as a young woman, Mrs. Edison received training and served as a nurse at the Clinic of Dr. J. C. Watson in Georgiana, and later at Stabler's Infirmary in Greenville, Alabama, where she continued her nursing career until retirement; and

WHEREAS, throughout the years, she continued her mission of care for the health and well-being of her family and others and, today, continues to demonstrate her concern for those around her; and

WHEREAS, Mrs. Edison is truly a remarkable lady, who is an inspiration and blessing to all those whose lives have been touched by her warm and caring ways; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this joyous occasion, heartiest congratulations are hereby extended to Mrs. Vera Otis Hughes Edison on her 100th birthday, and it is further directed that she receive a copy of this resolution as an expression of our sincere regard and best wishes for continued good health and happiness in the years to come.

On motion of Representative Newton (C), the rules were suspended and the resolution, H.J.R. 60, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Newton (C):

H.R. 61. HONORING MRS. VERA OTIS HUGHES EDISON ON HER 100TH BIRTHDAY.

Also:

By Representative Page:

H.R. 62. MOURNING THE DEATH OF DIANA LYNN REDDEN LEETH OF GADSDEN, ALABAMA.

Also:

By Representatives Galliher, Ford and Page:

H.R. 63. COMMENDING THE 1996 COOSA LITTLE LEAGUE ALL-STAR BASEBALL TEAM OF SOUTHSIDE-RAINBOW CITY, ALABAMA.

### **BILLS ON THIRD READING**

And the bill:

H. 58. Relating to Randolph County; proposing a local constitutional amendment to authorize and ratify previous expenditures of ad valorem tax

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proceeds and gasoline tax proceeds for certain county expenses related to landfill closures, grading and excavation of industrial parks, and computer purchases for county offices.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 21. Relating to Fayette County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

was read a third time at length and passed.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Jackson, Knight (A), Knight (J), Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Perdue, Rogers (M), Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

S. 63. Relating to Greene County, authorizing the Greene County Commission by resolution to establish the rate at which the commission will reimburse employees for mileage incurred in carrying out their official duties. The rate established by the Commission shall not exceed the current federal rate paid for mileage.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Drake, Flowers, Gaines, Gipson, Guin, Hamilton, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (M), Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Willis and Wren.

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And the bill:

S. 57. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

was read a third time at length and passed.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hinshaw, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McMillan, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Perdue, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Venable, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 24. Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable, Willis and Wren.

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**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Hammett, the rules were suspended in order to take up out of order the bill, S. 1.

And the bill:

S. 1. To make a supplemental appropriation from the Voter Registration Fund and the General Fund in the State Treasury to the Voter Registration Identification Program, in the amounts of fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000), respectively, for the fiscal year ending September 30, 1997.

was read a third time at length and passed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

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### RECESS

On motion of Representative Hammett, the House recessed until 2:30 o'clock p.m.

### HOUSE RECONVENED

The hour of 2:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 7. Relating to the Geneva County Civil Service System; amending Section 4 of Act No. 85-587, H. 883 of the 1985 Regular Session (Acts 1985, p. 902), relating to the composition and appointing authorities of the board of the Geneva County Civil Service System, to further provide for the composition and appointing authorities by removing the appointing authority of the circuit clerk and providing for an employee representative.

Also:

H. 8. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

Also:

H. 15. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Also:

H. 27. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, July 25, 1996, and the motion was adopted.

**RESOLUTIONS**

The following resolution was introduced:

By Representatives Knight (J), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

**H.J.R. 64. MOURNING THE DEATH OF VICTOR IRVING OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with deepest sadness and regret that the Alabama Legislature records the lamentable and untimely death of Victor Irving of Montgomery, Alabama, on July 23, 1996, at the age of only 54 years; and

WHEREAS, a beloved and highly respected member of the WSFA television staff, Victor Irving served as chief photographer at WSFA and was, most especially, a well-known veteran of local broadcast news photography and Auburn football coverage, and a familiar figure at crime scenes, fires, news conferences, and other newsworthy events around town; and

WHEREAS, born in 1941, in Shorter, Alabama, one of three children, Victor Irving attended school in Waugh and received his high school degree from Alabama State University in Montgomery; and

WHEREAS, following service in Vietnam with the Air Force, he joined the staff at WSFA in 1972, serving successively as a member of the production crew, as switch director, and, for the last 21 years of his distinguished career, as a staff photographer; and

WHEREAS, in the death of Victor Irving, the Montgomery community has indeed suffered a grievous loss, and his lamentable death is deeply mourned by his loving family and many friends and colleagues, to each of whom he was a close, personal friend; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Victor Irving of Montgomery, Alabama, and extend very deepest sympathy to his mother, Georgia Wheeler; brother, Raymond and sister, Shirley; children, and to other close family members for whom a copy of this resolution shall be provided.

On motion of Representative Knight (J), the rules were suspended and the resolution, H.J.R. 64, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Knight (J), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 65. MOURNING THE DEATH OF VICTOR IRVING OF MONTGOMERY, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Penry and McMillan:

H.J.R. 66. DESIGNATING OCTOBER OF EACH YEAR AS ALABAMA SEAFOOD MONTH.

WHEREAS, the commercial and recreational seafood industries of Alabama have a tremendous economic impact, providing approximately \$300,000,000 each annually (\$600,000,000 annually combined); and

WHEREAS, between 300 and 400 commercial vessels fish offshore in Alabama, consisting of about 2,500 commercial fishermen, and 60 seafood processing plants statewide employ 1,600 to 2,000 people; and

WHEREAS, there are 33,000 persons licensed for recreational fishing in Alabama, and 50 or more charter boats average about 100 fishing trips per boat each year; and

WHEREAS, a significant economic benefit accrues to Alabama each year as a result of the 20 or more marine fishing tournaments held off Alabama's shores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the many benefits accruing to the state due to the commercial and residential seafood industries, the month of October each year is officially designated "Alabama Seafood Month."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent as a token of our pride and appreciation to the Marine Resources Division of the Department of Conservation and Natural Resources.

On motion of Representative Penry, the rules were suspended and the resolution, H.J.R. 66, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative McAdory:

H.R. 67. MOURNING THE DEATH OF REVEREND DR. WILSON FALLIN, SR.

Also:

By Representatives Boyd, Sims, Willis and Rogers (M):

H.R. 68. COMMENDING BARBARA C. CURRY OF THE FRIENDSHIP BAPTIST CHURCH OF ANNISTON, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

By Representatives Boyd, Sims, Willis and Rogers (M):

H.R. 69. COMMENDING FRIENDSHIP BAPTIST CHURCH ON ITS DEDICATION OF THE NEW SANCTUARY ON AUGUST 25, 1996.

### INTRODUCTION OF BILL

Upon a call of Districts, bill was introduced, read one time and referred to appropriate standing committee as follows:

By Representatives Baker, Carothers, Seibenhener, and Clouse:

H. 88. Relating to Houston County of the Twentieth Judicial Circuit of the State of Alabama; providing certain local expense allowances for the judges and district attorney in said county to be paid from the Houston County General Fund and providing for the converting of said expense allowances to local salary supplement compensation commencing with said judges' and district attorney's next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 62. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

McDOWELL LEE  
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Laird offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 62, said amendment being as follows:

On page 4, line 15, after the language "courthouse", strike the rest of line 15 and lines 16 to 18, in their entirety and insert in lieu thereof the following language: , courthouse annex and the two largest towns or cities not containing the courthouse or a courthouse annex within each county; provided

On page 4, delete line 23 and the word "annex" on line 24, and insert in lieu thereof the following language: Within each courthouse, courthouse annex, and the two largest towns or cities not containing the courthouse or a courthouse annex within each county

On page 5, line 7, after the word "courthouse" delete the language "and courthouse annex" and insert in lieu thereof the following language: , courthouse annex, the two largest towns or cities not containing the courthouse or a courthouse annex,

### **SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST COMMITTEE ON CONFERENCE BE APPOINTED TABLED**

On motion of Representative Laird, the substitute motion offered by Representative Knight (J) that the House non-concur in the Senate amendment to the bill, H. 62, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was tabled.

Yeas 66; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Buskey, Clark (W), Hall (A), Hall (L), Hamilton, Hayden, Hilliard, Houston, Jackson, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Reed, Spratt, Turner and Warren.

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### **MOTION TO CONCUR ADOPTED**

The question was then on the motion offered by Representative Laird that the House concur in and adopt the Senate amendment to the bill, H. 62, and the motion to concur was adopted:

Yeas 70; Nays 21.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Buskey, Clark (W), Hall (A), Hall (L), Hayden, Hilliard, Houston, Jackson, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Reed and Spratt.

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### **LEAVE OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Carter.

### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Sanderson intended to vote "Yea" on the motion offered by Representative Laird that the House concur in and adopt the Senate amendment to the bill, H. 62.

### **ADJOURNMENT**

On motion of Representative Hammett, the House adjourned until 10:00 o'clock a.m., Thursday, July 25, 1996.

**SEVENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, July 25, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Dolbare.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by William Chancellor, 5th Grade, Dannelly Elementary School, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Buskey, the reading at length of the Journal of the House for the sixth legislative day was dispensed with.

**LEAVES OF ABSENCE**

At the request of Representative Hammett, leave of absence was granted for Representative Vance.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Carter.

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Ford.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 62. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to provide for an inventory for absentee ballot materials; and to amend Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 14. CALLING ON THE CHIEF ELECTIONS OFFICER AND THE DIRECTOR OF THE STATE OFFICE OF VOTER REGISTRATION TO ENSURE THAT COUNTY BOARDS OF REGISTRARS COMPLETE VOTER REIDENTIFICATION.

On motion of Representative Hammett, the House concurred in and adopted the resolution, S.J.R. 14.

**MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Hammett to suspend the rules in order to take up out of order the bill, S. 18, was lost, lacking a four-fifths vote.

Yeas 34; Nays 13.

Yea:

Mr. Speaker, Black (M), Boyd, Burke, Buskey, Dean, Dolbare, Flowers, Gipson, Guin, Hall (L), Hawk, Hayden, Hinshaw, Houston, Jorgensen, Knight (J), Letson, Lindsey, Maull, McClammy, McMillan, Mitchell, Murphree, Pringle, Robinson, Rogers (M), Sims, Spratt, Starkey, Turner, Venable, Warren and Wren.

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Nay:

Representatives Carns, Clouse, Hamilton, Haney, Hawkins, Moore, Parker (P), Payne, Sanderson, Seibenhener, Smith, Thomas (D) and Townsend.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**RESOLUTION**

The following resolution was introduced:

By Representative Knight (A):

**H.J.R. 70. COMMENDING DR. ROBERT M. MCCHESNEY OF MONTEVALLO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes Dr. Robert McChesney of Montevallo, Alabama, on being nominated for the 1996 Distinguished Leadership Award which honors a college or university president for distinguished professional and administrative leadership during the year; and

WHEREAS, Dr. McChesney, who has served as President of the University of Montevallo since July 1992, came to Alabama from Conway, Arkansas, where he served as Special Consultant to the Provost and Executive Vice President of the University of Arkansas System from January-June, 1989, and as Vice President for Academic Affairs and Dean of the Faculty at the University of Central Arkansas from 1982-1989; and

WHEREAS, Dr. McChesney is immediate past chair of the Alabama Council of College and University Presidents and is a 1995 appointee to the Governor's Special Task Force on State Revenues; and

WHEREAS, having been recognized as an Outstanding Educator of America, Dr. McChesney is listed in Who's Who in American Colleges and Universities, American Men and Women of Science, Personalities of the South, Outstanding Young Men of America, Who's Who in the South and Southwest, Who's Who in America, Who's Who in American Education and Who's Who International; and

WHEREAS, a native of Louisiana and graduate of the University of Southwestern Louisiana with a major in history and political science, Dr. McChesney is a devoted husband to his wife Laraine Freeman McChesney and devoted father to his five children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Dr. McChesney in honor of his accomplishments and further direct a copy of this resolution be provided as evidence of our pride and esteem.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 70, was adopted.

#### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Starkey, the rules were suspended in order to take up out of order the bill, S. 18.

And the bill:

S. 18. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

was taken up.

#### **AMENDMENT OFFERED**

Representative Moore offered the following amendment to the bill, S. 18:

On page 4, insert the new Section 2 and renumber the subsequent section.

The employee shall pay the employer and employee portion at the current salary of the employee plus 8 percent interest.

#### **AMENDMENT TABLED**

On motion of Representative Knight (J), the amendment offered by Representative Moore to the bill, S. 18, was tabled.

Yeas 33; Nays 22.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Dukes, Gipson, Hall (A), Hayden, Hooper, Houston, Johnson (E), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Mitchell, Morrison, Newton (D), Perdue, Robinson, Spratt, Starkey, Thomas (J), Warren, White, Willis and Wren.

Nay:

Representatives Carns, Clouse, Dean, Dolbare, Gaines, Haney, Hawkins, Hill, Letson, McMillan, Minnifield, Moore, Newton (C), Parker (P), Payne, Pringle, Sanderson, Seibenhener, Sims, Smith, Thomas (D) and Townsend.

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### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Knight (A):

H.R. 71. COMMENDING DR. ROBERT M. MCCHESENEY OF MONTEVALLO, ALABAMA. FOR OUTSTANDING ACHIEVEMENT.

### S. 18 RESUMED

#### MOTION TO RECOMMIT TABLED

On motion of Representative Knight (J), the motion offered by Representative Thomas (D) to recommit the bill, S. 18, was tabled.

Yeas 36; Nays 20.

Yea:

Representatives Bandy, Box, Boyd, Burke, Buskey, Carothers, Dukes, Gipson, Graham, Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (J), Laird, Maull, McAdory, McClammy, Melton, Mitchell, Newton (D), Papucci, Perdue, Smith, Spratt, Starkey, Turner, Venable, Warren and Willis.

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Nay:

Representatives Carns, Clouse, Dean, Gaines, Hamilton, Haney, Hawkins, Hill, Jorgensen, Knight (A), Minnifield, Moore, Newton (C), Parker (P), Payne, Sanderford, Sanderson, Seibenhener, Thomas (D) and Townsend.

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**MOTION TO TEMPORARILY CARRY OVER LOST**

On motion of Representative Knight (J), the motion offered by Representative Moore to temporarily carry over the bill, S. 18, was tabled.

Yeas 36; Nays 23.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Buskey, Carothers, Dukes, Gipson, Graham, Hall (L), Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Mitchell, Morrison, Newton (D), Perdue, Robinson, Spratt, Starkey, Thomas (J), Venable, Warren, White and Willis.

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Nay:

Representatives Carns, Clouse, Curry, Dean, Dolbare, Gaines, Gaston, Hamilton, Hawkins, Knight (A), Moore, Morton, Newton (C), Parker (P), Payne, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend and Turner.

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And the bill, S. 18, was read a third time at length and lost, lacking a two-thirds vote of a quorum as required by the Constitution.

Yeas 40; Nays 27.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Buskey, Carothers, Dukes, Galliher, Gipson, Graham, Hall (A), Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Mitchell, Morrison, Newton (D), Perdue, Robinson, Rogers (J), Spratt, Starkey, Venable, Warren, White and Willis.

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Nay:

Representatives Carns, Clouse, Curry, Dean, Dolbare, Gaines, Gaston, Haney, Hawkins, Knight (A), Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend and Turner.

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**RESOLUTIONS**

The following resolutions were introduced:

By Representative Hammett:

**H.J.R. 72. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Reapportionment Office is directed to make available to each member of the Legislature, upon request and without charge, maps of legislative districts designated by the respective member, not to exceed ten sets of maps in any fiscal year.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the Legislative Reapportionment Office.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 72, was adopted.

Also:

By Representative Clouse:

**H.J.R. 73. COMMENDING THE OZARK DIXIE BELLES ALL-STARS SOFTBALL TEAM.**

WHEREAS, it is noted with sincere pride and pleasure the accomplishments of the Dixie Belles All-Stars Softball Team of Ozark, Alabama, who captured the state softball championship in the 13-to-15-year-old division; and

WHEREAS, the Dixie Belles, who are composed of an outstanding group of talented and determined young women, performed flawlessly in the state tournament held in Tallassee, Alabama, traveling through the five-game competition undefeated and beating most opponents by significant margins; and

WHEREAS, this fabulous feat was the first state championship for a girls' softball team in Ozark, and the first state crown for the city since the Dixie boys' team returned with a state title 30 years ago; and it is acknowledged that the strong and vocal support of the best fans in the state played an instrumental role in the significant success of the squad; and

WHEREAS, the ability, effort, and discipline of the ball club was evidenced throughout the tournament, as the team displayed a strong, determined, and focused defense, and a potent and productive offense, testaments to the savvy management of Coaches Randall Woodard, Kenneth Phillips, and Phil Craddock; and

WHEREAS, the members of the Dixie Belles are: Felicia Clark, Natalie Stokes, April Holland, Donann Crumbley, Taketa Wiggins, Cindy Greene, Michelle Kirkland, Shelly Ammons, Krista Morrison, Lauren Craddock, Jeanetta Taylor, Angekwon Wiggins, and Jill Nolin, each of whom we proudly and properly declare as a champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ozark Dixie Belles All-Stars Softball Team is highly commended on the 1996 State Softball Championship and that a copy of this resolution be forwarded to the coaches and each member of the team as an expression of our tribute and esteem.

On motion of Representative Clouse, the rules were suspended and the resolution, H.J.R. 73, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 74. COMMENDING THE SATSUMA REBELS 16-AND-UNDER GIRLS SOFTBALL TEAM ON ITS OUTSTANDING ACHIEVEMENTS.

Also:

The following resolution was introduced:

By Representative Box:

H.J.R. 75. COMMENDING THE SATSUMA REBELS 16-AND-UNDER GIRLS SOFTBALL TEAM ON ITS OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Satsuma Rebels 16 and Under Girls Softball Team is deserving of special public recognition and heartiest congratulations on its outstanding tournament wins; and

WHEREAS, on the road to victory, the Satsuma Rebels 16 and Under Girls Softball Team succeeded in winning numerous tournaments including the Commissioners' Tournament, Coca-Cola Classic, District 10, Alabama Sports Festival, and NSA State and NSA World Series; and

WHEREAS, achieving an overall 32 wins and three losses, members of this exceptional team include: Alison Sellers, Natasha Burt, Cori Barnett, Shawney Howle, Erin Adams, LaToya Baker, Bobbi Selph, April Halstead, Kenosha Graves, Jamie McMillan, Karla Nezat, Beth Searcy, Aimee Butts, Amanda Dunn, Heather Cochran, Amie Roberts, Jamie Roberts, and Tamara Farmer; and

WHEREAS, Karla Nezat reflected the will-to-win spirit by successfully pitching an ASA 16-and-Under National championship in 1994 (7.0), runner-up ASA National in 1995 (6-2), and, with her final year of eligibility, an NSA World Series Championship in 1996 (9-1); and

WHEREAS, joining Karla in these season highlights were Alison Sellers and Erin Adams, who were on the 1994 championship team; and

WHEREAS, contributing to the notable accomplishments of the Satsuma Rebels 16-and-Under Girls Softball Team are Burk Stewart, Manager; and Coaches Bill Sellers and Shane Stewart; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Satsuma Rebels 16-and-Under Girls Softball Team and direct that a copy of this resolution be presented for appropriate display.

On motion of Representative Box, the rules were suspended and the resolution, H.J.R. 75, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clouse:

H.R. 76. COMMENDING THE OZARK DIXIE BELLES ALL-STARS SOFTBALL TEAM.

### RECESS

On motion of Representative Hammett, the House recessed until 2:00 o'clock p.m.

### HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 77. CONGRATULATING MR. AND MRS. OLIN HILL OF AUBURN, ALABAMA, ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 59. COMMENDING THE 1996 COOSA LITTLE LEAGUE ALL-STAR BASEBALL TEAM OF SOUTHSIDE-RAINBOW CITY, ALABAMA.

Also:

H.J.R. 60. HONORING MRS. VERA OTIS HUGHES EDISON ON HER 100TH BIRTHDAY.

Also:

H.J.R. 64. MOURNING THE DEATH OF VICTOR IRVING OF MONTGOMERY, ALABAMA.

McDOWELL LEE  
Secretary

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 44. DECLARING THE WEEK OF JULY 22-26, 1996, AS CAMP S.M.I.L.E. WEEK.

Also:

H.J.R. 49. MOURNING THE DEATH OF E. R. MORRISSETTE, JR.

Also:

H.J.R. 53. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.



Also:

H.J.R. 66. DESIGNATING OCTOBER OF EACH YEAR AS ALABAMA SEAFOOD MONTH.

Also:

H.J.R. 70. COMMENDING DR. ROBERT M. MCCHESENEY OF MONTEVALLO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 72. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.

Also:

H.J.R. 73. COMMENDING THE OZARK DIXIE BELLES ALL-STARS SOFTBALL TEAM.

Also:

H.J.R. 75. COMMENDING THE SATSUMA REBELS 16-AND-UNDER GIRLS SOFTBALL TEAM ON ITS OUTSTANDING ACHIEVEMENTS.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 7. AMENDING ACT 96-589, SJR 120, 1996 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND THE STATEWIDE HEALTH COORDINATING COUNCIL.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 31. Relating to Calhoun County; to prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of on-premise license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 82. To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

McDOWELL LEE  
Secretary

**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Pringle offered the motion to reconsider the vote by which the bill, S. 18, was lost, and the motion to reconsider was adopted.

SECOND EXTRAORDINARY SESSION  
7th Day

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Yeas 45; Nays 9.

Yea:

Mr. Speaker, Black (M), Boyd, Burke, Collins, Crigler, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Hall (L), Hammett, Hawk, Hayden, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, Minnifield, Mitchell, Morrison, Murphree, Newton (D), Perdue, Petelos, Pringle, Robinson, Rogers (M), Smith, Turner, Turnham, Venable, Willis and Wren.

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Nay:

Representatives Carns, Dean, Dolbare, Haney, Hawkins, Newton (C), Payne, Sanderford and Townsend.

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And the bill S. 18, was again read a third time at length and passed.

Yeas 57; Nays 8.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Collins, Crigler, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Minnifield, Mitchell, Morrison, Murphree, Newton (D), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Townsend, Turner, Turnham, Venable, Willis and Wren.

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Nay:

Representatives Dean, Dolbare, Gaines, Hamilton, Haney, Newton (C), Parker (P) and Sanderford.

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**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Page, Ford and Galliher:

H.R. 78. MOURNING THE DEATH OF MR. CHARLIE F. BOYD OF GADSDEN, ALABAMA.

Also:

By Representative Knight (J):

H.R. 79. MOURNING THE DEATH OF CURTIS JAMES STEWART OF MONTGOMERY, ALABAMA.

Also:

By Representative Letson:

H.R. 80. MOURNING THE DEATH OF ELIZABETH COLE NAYLOR OF MOULTON, ALABAMA.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 26. HONORING HENRY L. HAMMOND FOR HIS PROFESSIONAL ACHIEVEMENTS.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 26, the title of which is set out in the foregoing Message from the Senate.

### RECESS

On motion of Representative Hammett, the House recessed until 5:30 o'clock p.m.

**HOUSE RECONVENED**

The hour of 5:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 7. AMENDING ACT 96-589, SJR 120, 1996 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND THE STATEWIDE HEALTH COORDINATING COUNCIL.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 1. To make a supplemental appropriation from the Voter Registration Fund and the General Fund in the State Treasury to the Voter Registration Identification Program, in the amounts of fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000), respectively, for the fiscal year ending September 30, 1997.

Also:

S. 21. Relating to Fayette County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

S. 57. Relating to Jefferson County; to authorize the Jefferson County Planning Commission and any municipal planning commission in Jefferson County to adopt certain regulations regarding the installation of traffic control devices by the owner or developer of a subdivision; and to provide certain limits of liability to the owner or developer.

Also:

S. 63. Relating to Greene County, authorizing the Greene County Commission by resolution to establish the rate at which the commission will reimburse employees for mileage incurred in carrying out their official duties. The rate established by the Commission shall not exceed the current federal rate paid for mileage.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 14. CALLING ON THE CHIEF ELECTIONS OFFICER AND THE DIRECTOR OF THE STATE OFFICE OF VOTER REGISTRATION TO ENSURE THAT COUNTY BOARDS OF REGISTRARS COMPLETE VOTER REIDENTIFICATION.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 26. HONORING HENRY L. HAMMOND FOR HIS PROFESSIONAL ACHIEVEMENTS.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 31. Relating to Calhoun County; to prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of on-premise license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

Also:

H. 82. To amend Section 40-14-70, Code of Alabama 1975, as amended by Act No. 96-551, H. 930, 1996 Regular Session, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations

doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

Also:

H.J.R. 64. MOURNING THE DEATH OF VICTOR IRVING OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 44. DECLARING THE WEEK OF JULY 22-26, 1996, AS CAMP S.M.I.L.E. WEEK.

Also:

H.J.R. 49. MOURNING THE DEATH OF E. R. MORRISSETTE, JR.

Also:

H.J.R. 53. COMMENDING ELMIRA HIGGINBOTHAM FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

H.J.R. 66. DESIGNATING OCTOBER OF EACH YEAR AS ALABAMA SEAFOOD MONTH.

Also:

H.J.R. 70. COMMENDING DR. ROBERT M. MCCHESENEY OF MONTEVALLO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 59. COMMENDING THE 1996 COOSA LITTLE LEAGUE ALL-STAR BASEBALL TEAM OF SOUTHSIDE-RAINBOW CITY, ALABAMA.

Also:

H.J.R. 60. HONORING MRS. VERA OTIS HUGHES EDISON ON HER 100TH BIRTHDAY.

Also:

H.J.R. 72. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.



Also:

H.J.R. 73. COMMENDING THE OZARK DIXIE BELLES ALL-STARS SOFTBALL TEAM.

Also:

H.J.R. 75. COMMENDING THE SATSUMA REBELS 16-AND-UNDER GIRLS SOFTBALL TEAM ON ITS OUTSTANDING ACHIEVEMENTS.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 18. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**RECESS**

On motion of Representative Venable, the House recessed until the call of the chair.

**HOUSE RECONVENED**

House reconvened. The Speaker called the House to order.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 47. Relating to St. Clair County; proposing an amendment to the Constitution of Alabama of 1901; to authorize the Legislature to regulate and alter the costs and charges of court in St. Clair County; and to provide for the distribution of any additional revenue for the juvenile court system and juvenile programs in the county.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 70. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

Also:

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838 of the 1996 Regular Session, which authorizes the levy of a sales and use tax in the county, to decrease the taxes levied on the sale of certain machinery, equipment, and automobiles, and providing for a retroactive effect.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 54. To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 21. To make an appropriation of \$150,000 from the State General Fund to the Fort McClellan Reuse and Redevelopment Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 33. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 84. To amend Section 17-13-6, Code of Alabama 1975, to require statement of votes and poll list to be delivered within two hours after the election.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 60. Increasing the per diem allowance established by the Governor for state officers and employees.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 1. To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 19. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Burke, the House concurred in and adopted the Senate amendment to the bill, H. 19, said Senate amendment being as follows:

Amend House Bill 19 on page 3 line 21, as follows, delete the word "issuance" and insert in lieu of, after the word "the" the word "service".

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Turner, Turnham, Venable, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 47. Relating to St. Clair County; proposing an amendment to the Constitution of Alabama of 1901; to authorize the Legislature to regulate and alter the costs and charges of court in St. Clair County; and to provide for the distribution of any additional revenue for the juvenile court system and juvenile programs in the county.

And finds same correctly enrolled.

**TOMMY CARTER**  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 54. To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

Also:

H. 70. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

Also:

H. 72. Relating to Dallas County; amending Act No. 96-623, H. 838 of the 1996 Regular Session, which authorizes the levy of a sales and use tax in the county, to decrease the taxes levied on the sale of certain machinery, equipment, and automobiles, and providing for a retroactive effect.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 21. To make an appropriation of \$150,000 from the State General Fund to the Fort McClellan Reuse and Redevelopment Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 33. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

Also:

H. 84. To amend Section 17-13-6, Code of Alabama 1975, to require statement of votes and poll list to be delivered within two hours after the election.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 60. Increasing the per diem allowance established by the Governor for state officers and employees.

Also:

H. 1. To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 19. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.



**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:17 A.M. on July 25, 1996.

H. 7  
H. 8  
H. 15  
H. 27  
H. 62

Delivered to the Governor at 4:47 P.M. on July 25, 1996.

H. 31	H.J.R. 70
H. 82	H.J.R. 59
H.J.R. 64	H.J.R. 60
H.J.R. 44	H.J.R. 72
H.J.R. 49	H.J.R. 73
H.J.R. 53	H.J.R. 75
H.J.R. 66	

Delivered to the Secretary of State at 11:00 P.M. on July 25, 1996.

H. 47 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 11:15 P.M. on July 25, 1996.

H. 54	H. 84
H. 70	H. 60
H. 72	H. 1
H. 21	H. 19
H. 33	

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Hammett, the House adjourned sine die at 11:19 o'clock p.m.

GREG PAPPAS  
Clerk of the House of Representatives  
of the Legislature of Alabama  
Second Extraordinary Session, 1996.







**HOUSE OF REPRESENTATIVES**  
**ALPHABETICAL ROSTER, PARTY AND DISTRICT NUMBERS**  
**SECOND EXTRAORDINARY SESSION 1996**

Gerald Allen - (R) - 62  
 Lucy Baker - (D) - 85  
 George Bandy - (D) - 83  
 Lucius Black - (D) - 71  
 Marcel Black - (D) - 3  
 Michael E. Box - (D) - 96  
 Barbara B. Boyd - (D) - 32  
 Ralph Burke - (D) - 24  
 James E. Buskey - (D) - 99  
 Jim Carns - (R) - 46  
 Joe R. Carothers, Jr. - (D) - 86  
 Tommy Carter - (D) - 5  
 James S. Clark - (D) - 84  
 William Clark - (D) - 98  
 Steve Clouse - (R) - 93  
 Sam Collins - (D) - 16  
 R. P. (Phil) Crigler, Jr. - (R) - 105  
 Johnny L. Curry - (R) - 15  
 Mike Dean - (R) - 104  
 Jeff Dolbare - (D) - 65  
 Tom Drake - (D) - 11  
 Bill J. Dukes - (D) - 8  
 Steve Flowers - (R) - 89  
 Joe M. Ford - (D) - 28  
 Bill Fuller - (D) - 38  
 Mark L. Gaines - (R) - 47  
 Blaine Galliher - (D) - 30  
 Victor Gaston - (R) - 100  
 H. Mac Gipson, Jr. - (D) - 88  
 Betty Carol Graham - (D) - 81  
 Ken Guin - (D) - 14  
 Albert Hall - (D) - 22  
 Laura Hall - (D) - 19  
 James H. Hamilton - (D) - 2  
 Seth Hammett - (D) - 92  
 James C. Haney - (R) - 10  
 Howard Hawk - (D) - 25  
 John Hawkins - (R) - 48  
 Andrew Hayden - (D) - 72  
 Mike Hill - (R) - 41  
 John R. Hilliard - (D) - 60  
 Randy Hinshaw - (D) - 21  
 Thomas E. Hogan - (D) - 13  
 Alvin Holmes - (D) - 78  
 Perry O. Hooper, Jr. - (R) - 73  
 Tommy L. Houston - (D) - 57  
 Thomas E. Jackson - (D) - 68  
 Earnest Johnson - (D) - 58  
 Ronald G. Johnson - (D) - 33  
 Lee Jorgensen - (R) - 6  
 Yvonne Kennedy - (D) - 97  
 Al Knight - (R) - 40  
 John F. Knight, Jr. - (D) - 77

Richard J. Laird - (D) - 37  
 Allen Layson - (D) - 61  
 John (Jody) Letson - (D) - 7  
 Richard J. Lindsey - (D) - 39  
 Edward A. Maull - (D) - 67  
 Lawrence McAdory - (D) - 56  
 Thad McClammy - (D) - 76  
 W. F. (Frank) McDaniel - (D) - 26  
 Bob McKee - (R) - 74  
 Stephen A. McMillan - (R) - 95  
 Bryant Melton - (D) - 70  
 Michael J. Millican - (D) - 17  
 Warren A. Minnifield - (D) - 55  
 Joseph Mitchell - (D) - 103  
 Garreth Moore - (R) - 91  
 Neal Morrison - (D) - 12  
 Johnny Mack Morrow - (D) - 18  
 Albert G. Morton - (R) - 45  
 Jim Murphree - (D) - 27  
 Charles O. Newton - (D) - 90  
 Demetrius C. Newton - (D) - 53  
 John G. (Jack) Page - (D) - 29  
 Nelson Papucci - (R) - 4  
 Paul Parker - (D) - 9  
 Tim Parker - (D) - 63  
 Arthur Payne - (R) - 44  
 Walter E. Penry, Jr. - (R) - 94  
 George Perdue - (D) - 54  
 Tony Petelos - (R) - 51  
 Chris Pringle - (R) - 101  
 Thomas Reed - (D) - 82  
 John Robinson - (D) - 23  
 John W. Rogers, Jr. - (D) - 52  
 Mike Rogers - (R) - 36  
 Howard Sanderford - (R) - 20  
 Allen Sanderson - (R) - 43  
 Riley Seibenhener - (R) - 87  
 Larry P. Sims - (R) - 35  
 Curtis Smith - (D) - 42  
 Lewis G. Spratt - (D) - 59  
 Nelson R. Starkey, Jr. - (D) - 1  
 Dave Thomas - (R) - 49  
 James L. Thomas - (D) - 69  
 Jim Townsend - (R) - 50  
 J. E. Turner - (R) - 102  
 Pete Turnham - (D) - 79  
 Lesley Vance - (D) - 80  
 Jack B. Venable - (D) - 31  
 James E. Warren - (D) - 64  
 Frank P. (Skippy) White - (D) - 66  
 Gerald Willis - (D) - 34  
 Greg Wren - (R) - 75

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA**

## **SECOND EXTRAORDINARY SESSION 1996**

### **OFFICERS**

JAMES S. CLARK, *Speaker*, Eufaula  
 SETH HAMMETT, *Speaker Pro Tempore*, Andalusia  
 WILLIAM G. (GREG) PAPPAS, *Clerk*, Montgomery  
 DON LADNER, *Administrative Assistant*, Montgomery  
 VANNAH W. NORRELL, *Chief Clerk*, Montgomery

### **MEMBERS OF THE HOUSE**

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr.....	158 Cedar Crest Drive, Florence 35630
2	LAUDERDALE James H. Hamilton.....	Route 3, Box 273-C, Rogersville 35652
3	COLBERT Marcel Black.....	P.O. Box 491, Tuscumbia 35674
4	LIMESTONE, MADISON, MORGAN Nelson Papucci.....	P.O. Box 541, Madison 35758
5	LIMESTONE Tommy Carter.....	18216 Upper Fort Hampton Road, Elkmont 35620
6	LIMESTONE, MADISON Lee Jorgensen.....	124 Stonemeadow Lane, Madison 35758
7	LAWRENCE, WINSTON John (Jody) Letson.....	15720 County Road 400, Hillsboro 35643
8	MORGAN Bill J. Dukes.....	2209 Parkplace Street, S.E., Decatur 35601
9	MORGAN Paul Parker.....	606 Douglas Drive, N.W., Hartselle 35640
10	MADISON James C. Haney.....	809 Tannahill Drive, Huntsville 35802

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 11 CULLMAN, MORGAN  
Tom Drake.....P.O. Box 1165, Cullman 35055
- 12 CULLMAN  
Neal Morrison.....P.O. Box 1408, Cullman 35056
- 13 WALKER  
Thomas E. Hogan.....Route 10, Box 324B, Jasper 35501
- 14 TUSCALOOSA, WALKER, WINSTON  
Ken Guin.....P.O. Box 470, Carbon Hill 35549
- 15 JEFFERSON, SHELBY  
Johnny L. Curry.....3264 Fieldale Drive, Hueytown 35023
- 16 FAYETTE, LAMAR, PICKENS  
Sam Collins.....1019 13th Street, N.W., Fayette 35555
- 17 MARION, WINSTON  
Michael J. Millican.....Route 1, Box 71, Hamilton 35570
- 18 COLBERT, FRANKLIN  
Johnny Mack Morrow.....709 Carter Street, N.E., Red Bay 35582
- 19 MADISON  
Laura Hall.....P.O. Box 3274, Huntsville 35810
- 20 MADISON  
Howard Sanderford.....908 Tannahill Drive, S.E., Huntsville 35802-1971
- 21 MADISON  
Randy Hinshaw.....218 Constitution Drive, Meridianville 35759
- 22 JACKSON, MADISON  
Albert Hall.....Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON  
John Robinson.....3479 County Road 33, Scottsboro 35768





**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 37 CHAMBERS, CLAY, RANDOLPH  
Richard J. Laird.....1507 Bonner Drive, Roanoke 36274
- 38 CHAMBERS, LEE  
Bill Fuller.....P.O. Box 317, LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard J. Lindsey.....Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
Al Knight.....P.O. Box 1194, Pelham 35124
- 41 SHELBY  
Mike Hill.....114 Arlington Street, Columbiana 35051
- 42 CHILTON, SHELBY  
Curtis Smith.....16131 Highway 22, Clanton 35045
- 43 JEFFERSON  
Allen Sanderson.....126 Greenbriar Lane, Birmingham 35213
- 44 JEFFERSON  
Arthur Payne.....2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON  
Albert G. Morton.....833 Zellmark Drive, Birmingham 35235
- 46 JEFFERSON, SHELBY  
Jim Carns.....3 Office Park Circle, Suite 120, Birmingham 35223
- 47 JEFFERSON, SHELBY  
Mark L. Gaines.....201 Morris Boulevard, Homewood 35209
- 48 JEFFERSON  
John Hawkins.....1841 Montclair Drive, Birmingham 35216
- 49 ST. CLAIR  
Dave Thomas.....49 Forman Street, Springville 35146
- 50 JEFFERSON  
Jim Townsend.....5544 Lazy Acres Trail, Pinson 35126

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 51 JEFFERSON  
Tony Petelos.....P.O. Box 40, Pleasant Grove 35127
- 52 JEFFERSON  
John W. Rogers, Jr.....1424 18th Street, S.W., Birmingham 35211
- 53 JEFFERSON  
Demetrius C. Newton.....512 10th Terrace West, Birmingham 35204
- 54 JEFFERSON  
George Perdue.....P.O. Box 2473, Birmingham 35201
- 55 JEFFERSON  
Warren A. Minnifield.....703 Miles Circle, Fairfield 35064
- 56 JEFFERSON  
Lawrence McAdory.....1000 Barclay Drive, Bessemer 35023
- 57 JEFFERSON  
Tommie L. Houston.....3709 Howard Avenue, S.W., Birmingham 35221
- 58 JEFFERSON  
Earnest Johnson.....8531 Zion City Road, N., Birmingham 35206
- 59 JEFFERSON  
Lewis G. Spratt.....3809 Fourth Street, West, Birmingham 35207
- 60 JEFFERSON  
John R. Hilliard.....P.O. Box 11385, Birmingham 35202
- 61 PICKENS, TUSCALOOSA  
Allen Layson.....P.O. Box 910, Reform 35481
- 62 HALE, TUSCALOOSA  
Gerald Allen.....P.O. Box 71001, Tuscaloosa 35407
- 63 TUSCALOOSA  
Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 64 **BALDWIN, CONECUH, MONROE**  
James E. Warren.....P.O. Box 207, Castleberry 36432
- 65 **CHOCTAW, CLARKE, WASHINGTON**  
Jeff Dolbare.....Star Route, Box 17, Bigbee 36510
- 66 **BALDWIN, ESCAMBIA**  
Frank P. (Skippy) White.....Route 1, Box 427-Pollard, Flomaton 36441
- 67 **DALLAS**  
Edward A. Maull.....2002 4th Avenue, Selma 36703
- 68 **CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE**  
Thomas E. Jackson.....29 Duncan Drive, Thomasville 36784
- 69 **DALLAS, LOWNDES, WILCOX**  
James L. Thomas.....2713 Highway 14, E., Selma 36701
- 70 **TUSCALOOSA**  
Bryant Melton.....5003 4th Avenue, Tuscaloosa 35405
- 71 **GREENE, MARENGO, SUMTER**  
Lucius Black.....P.O. Box 284, York 36925
- 72 **HALE, MARENGO, PERRY, TUSCALOOSA**  
Andrew Hayden.....P.O. Box 514, Uniontown 36786
- 73 **MONTGOMERY**  
Perry O. Hooper, Jr.....3472 Bankhead Avenue, Montgomery 36111
- 74 **MONTGOMERY**  
Bob McKee.....P.O. Box 424, Montgomery 36101
- 75 **ELMORE, MONTGOMERY**  
Greg Wren.....7700 Wynlakes Boulevard, Montgomery 36117
- 76 **MONTGOMERY**  
Thad McClammy.....3035 Rosa L. Parks Avenue, Montgomery 36105
- 77 **MONTGOMERY**  
John F. Knight, Jr.....P.O. Box 6148, Montgomery 36106

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 78 MONTGOMERY  
Alvin Holmes.....P.O. Box 6064, Montgomery 36106
- 79 LEE  
Pete Turnham.....P.O. Box 3490, Auburn 36831-3490
- 80 LEE, RUSSELL  
Lesley Vance.....P.O. Box 1429, Phenix City 36868
- 81 TALLAPOOSA  
Betty Carol Graham.....Route 3, Box 222, Alexander City 35010
- 82 BULLOCK, LEE, MACON  
Thomas Reed.....P.O. Box 1324, Tuskegee 36087
- 83 LEE, RUSSELL  
George Bandy.....1001-A Sanford Court, Opelika 36801
- 84 BARBOUR, HENRY  
James S. Clark.....P.O. Box 71, Eufaula 36072
- 85 DALE, HENRY, HOUSTON  
Locy Baker.....115 Bryant Street, Abbeville 36310
- 86 HOUSTON  
Joe R. Carothers, Jr.....2916 Taylor Road, Dothan 36301
- 87 GENEVA, HOUSTON  
Riley Seibenhener.....Route 2, Box 166A, Hartford 36344
- 88 AUTAUGA, ELMORE  
H. Mac Gipson, Jr.....1119 Pates Mill Lane, Prattville 36067
- 89 DALE, PIKE  
Steve Flowers.....P.O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW, LOWNDES  
Charles O. Newton.....760 South Conecuh Street, Greenville 36037
- 91 COFFEE  
Garreth Moore.....504 Candlewood Drive, Enterprise 36330

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA-Continued**

- 92 COVINGTON  
Seth Hammett.....P.O. Box 1776, Andalusia 36420
- 93 DALE, HOUSTON  
Steve Clouse.....P.O. Box 818, Ozark 36361
- 94 BALDWIN  
Walter E. Penry, Jr.....12040 County Road 54, Daphne 36526
- 95 BALDWIN  
Stephen A. McMillan.....P.O. Box 337, Bay Minette 36507
- 96 MOBILE  
Michael E. Box.....104 South Lawrence Street, Mobile 36602
- 97 MOBILE  
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 98 MOBILE  
William Clark.....711 South Atmore Avenue, Prichard 36612
- 99 MOBILE  
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
Victor Gaston.....864 Parkwood Drive, W., Mobile 36608
- 101 MOBILE  
Chris Pringle.....111 McHugh Lane, Mobile 36608
- 102 MOBILE  
J. E. Turner.....20909 J. E. Turner Circle, Citronelle 36522
- 103 MOBILE  
Joseph Mitchell.....465 Dexter Avenue, Mobile 36604
- 104 MOBILE  
Mike Dean.....3705 Scenic Drive, Mobile 36605
- 105 MOBILE  
R. P. (Phil) Crigler, Jr.....8040 Shannon Drive, Irvington 36544

**ALABAMA STATE SENATE**  
**ALPHABETICAL ROSTER, PARTY AND DISTRICT NUMBER**  
**SECOND EXTRAORDINARY SESSION 1996**

Dwight Adams - (R) - 31  
John Amari - (R) - 15  
Bill Armistead - (R) - 14  
Chip Bailey - (D) - 29  
Lowell Barron - (D) - 8  
Roger Bedford - (D) - 6  
Jack Biddle, III - (R) - 17  
Tom Butler - (D) - 2  
George Clay - (D) - 28  
Charles Davidson - (R) - 5  
Bobby E. Denton - (D) - 1  
Gerald Dial - (D) - 13  
Larry Dixon - (R) - 25  
Sundra Escott-Russell - (D) - 20  
Michael Figures - (D) - 33  
Dewayne Freeman - (D) - 7  
Doug Ghee - (D) - 12  
Don Hale - (R) - 4

Dell Hill - (R) - 11  
Charles Langford - (D) - 26  
W. H. (Pat) Lindsey - (D) - 22  
Albert Lipscomb - (R) - 32  
T. D. (Ted) Little - (D) - 27  
Edward (E. B.) McClain - (D) - 19  
Wendell Mitchell - (D) - 30  
Hinton Mitchem - (D) - 9  
H. E. (Hap) Myers, Jr. - (R) - 34  
Phil Poole - (D) - 21  
Tommy Ed Roberts - (D) - 3  
Hank Sanders - (D) - 23  
Roy Smith - (R) - 10  
Roger Smitherman - (D) - 18  
Charles Steele, Jr. - (D) - 24  
J. T. (Jabo) Waggoner - (R) - 16  
Steve Windom - (D) - 35

**ROSTER OF THE SENATE OF ALABAMA  
SECOND EXTRAORDINARY SESSION 1996**

**OFFICERS**

DON SIEGELMAN, *Lieutenant Governor*, Montgomery  
 MICHAEL FIGURES, *President Pro Tempore*, Mobile  
 CHARLES McDOWELL LEE, *Secretary*, Montgomery  
 D. PATRICK HARRIS, *Assistant Secretary*, Montgomery  
 DAVID AVANT, *Administrative Assistant*, Prattville  
 SUZAN McCLELLAND, *Chief Clerk*, Prattville

**MEMBERS OF THE SENATE**

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LIMESTONE, MADISON, MORGAN Tom Butler.....	136 Hartington Drive, Madison 35758
3	LAWRENCE, MORGAN, WINSTON Tommy Ed Roberts.....	P.O. Box 1268, Hartselle 35640
4	CULLMAN, MADISON, MORGAN Don Hale.....	P.O. Box 747, Cullman 35055-0747
5	JEFFERSON, SHELBY, TUSCALOOSA, WALKER, WINSTON Charles Davidson.....	Route 9, Box 439-K, Jasper 35501
6	COLBERT, FAYETTE, FRANKLIN, LAMAR, MARION, PICKENS, WINSTON Roger Bedford.....	P.O. Box 669, Russellville 35653
7	MADISON Dewayne Freeman.....	P.O. Box 3069, Huntsville 35810
8	DEKALB, JACKSON, MADISON Lowell Barron.....	P.O. Box 65, Fyffe 35971
9	BLOUNT, DEKALB, MARSHALL Hinton Mitchem.....	P.O. Box 297, Albertville 35950

**ROSTER OF THE SENATE  
OF ALABAMA-Continued**

- 10 ETOWAH, ST. CLAIR  
Roy Smith.....753 Forrest Avenue, Gadsden 35901
- 11 COOSA, ELMORE, TALLADEGA  
Dell Hill.....706 Selwood Road, Alpine 35014
- 12 CALHOUN  
Doug Ghee.....P.O. Box 848, Anniston 36202
- 13 CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, LEE, RANDOLPH  
Gerald Dial.....P.O. Box 248, Lineville 36266
- 14 BIBB, CHILTON, SHELBY  
Bill Armistead.....6 Brush Creek Farms, Columbiana 35051
- 15 JEFFERSON  
John Amari.....9636 Parkway East, Birmingham 35215
- 16 JEFFERSON, SHELBY  
J. T. (Jabo) Waggoner.....Two Perimeter Park South, Birmingham 35243
- 17 JEFFERSON, ST. CLAIR  
Jack Biddle, III.....2256 Pinehurst Drive, Gardendale 35071
- 18 JEFFERSON  
Rodger Smitherman.....2029 Second Avenue, N., Birmingham 35203
- 19 JEFFERSON  
Edward (E. B.) McClain.....3826 Troy Terrace, Brighton 35020
- 20 JEFFERSON  
Sundra Escott-Russell.....P.O. Box 8343, Birmingham 35218
- 21 HALE, PICKENS, TUSCALOOSA  
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S. 18, pages 82, 128, 212, 214, 215, 216, 222, 223, 229, Act No. 96-886

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